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The UNITED STATES
and the UNITED NATIONS



* REPORT *

by the PRESIDENT
to the CONGRESS

FOR THE YEAR 1946

The UNITED STATES
and the UNITED NATIONS

Report Series 7

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REPORT BY THE PRESIDENT OF THE UNITED STATES ON
THE ACTIVITIES OF THE UNITED NATIONS AND THE
PARTICIPATION OF THE UNITED STATES THEREIN FOR THE
CALENDAR YEAR 1946, SUBMITTED TO THE CONGRESS
PURSUANT TO SECTION 4 OF THE UNITED NATIONS
PARTICIPATION ACT OF 1945 (PUBLIC LAW NO. 264, 79TH
CONGRESS, 1ST SESSION)

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Letter of Transmittal

To the Congress of the United States:

In accordance with the provisions of the United Nations Participation Act of 1945 I submit herewith my first annual report to the Congress on the activities of the United Nations and the participation of the United States therein.¹

The Charter of the United Nations came into force as a fundamental law for the peoples of the world on October 24, 1945. The General Assembly convened for the first time in London in January 1946. It elected the Secretary-General and brought into being the Security Council, the Economic and Social Council and the International Court of Justice.

In December 1946, at the Second Part of its First Session, in New York, the General Assembly completed its main organizational tasks by establishing the Trusteeship Council. Thus all of the principal organs of the United Nations have now been established. All of them, except the Trusteeship Council, have been working on their appointed tasks during most of the past year.

The policy of the United States, as I told the General Assembly in New York on October 23, 1946, is to "support the United Nations with all the resources that we possess not as a temporary expedient but as a permanent partnership."

That policy—in season and out—in the face of temporary failure as well as in moments of success—has the support of the overwhelming majority of the American people. It must continue to have this support if the United States is to fulfill its appointed role in the United Nations, if the United Nations is to fulfill its purposes and if our land is to be preserved from the disaster of another and far more terrible war.

In the work of the United Nations during the past year the United States has sought constantly to carry out that policy. Our representatives have spoken for the whole Nation. They have been Democrats and Republicans, members of both the executive and legis-

¹ On Mar. 19, 1946, I transmitted to the Congress the Report submitted to me by the Secretary of State on the First Part of the First Session of the General Assembly in London.

lative branches of our Government, men and women from private life.

The work of the United Nations during the past year has been the work of building foundations for the future.

First of all, there have been the structural foundations. The Assembly, the Councils, the Court and the Secretariat have had a vast amount of organizational work to do in order to establish themselves as functioning agencies of the international community. Much of this has been pioneering work. The whole structure of the United Nations is a far more extensive endeavor in international cooperation than the nations have ever before attempted.

The essential parts of this structure include not only the principal organs established by the Charter. They include equally the specialized agencies, such as the Food and Agriculture Organization, the International Labor Organization, the United Nations Educational, Scientific and Cultural Organization, the International Civil Aviation Organization, the International Bank for Reconstruction and Development, the International Monetary Fund, the proposed World Health Organization and International Trade Organization and several others. Each of these specialized agencies operates in a specific field under its own constitution. Each is or will be related to the central structure of the United Nations through the Economic and Social Council and the General Assembly. There is scarcely a field of activity having a common interest for the peoples of the world for which continuing instruments of international cooperation have not been developed during the past year.

Perhaps the most immediately significant development of the past year in this direction was the General Assembly's demonstration of its power to influence the policies of nations and to bring about greater understanding among them. The Assembly possesses few definitive powers. It makes recommendations that can be translated into effective law only by the action of the nations concerned. But the Assembly during its meetings in New York expressed a higher sovereignty of the people's will in a manner which promises much for its development as a dominant power for peace and progress in the world.

The building of the structural foundations of the United Nations during the past year has been accompanied by action over a very broad field toward giving life and meaning to the purposes and principles of the Charter.

There has been progress toward building security from war. Step by step we have advanced the first part of the way toward agreement on the essential principles of a truly effective international system of control over the means of destruction that science has placed in the hands of mankind.

The initiative in the control of atomic energy and other major weapons adaptable to mass destruction was taken by the United States. The resolution creating the Atomic Energy Commission was adopted at the First Meeting of the General Assembly in London. The United States presented in the Atomic Energy Commission last June its proposals for international control of atomic energy. The Soviet Union opposed these proposals, but the Commission worked throughout the summer and fall to build the bases for agreement.

In October the Soviet Union introduced in the General Assembly proposals on the general regulation and reduction of armaments that seemed at first far removed from the United States position. Nevertheless, seven weeks later the Assembly was able to adopt unanimously a resolution reaffirming all the principles of the Atomic Energy Resolution and reflecting for the first time unanimous agreement on the essential principle of a system of international control and inspection established by treaty and not subject to any veto in its operations.

Two and a half weeks later, on December 31, the Atomic Energy Commission transmitted its first report to the Security Council. The Report had been adopted by the Commission by a vote of 10 to 0, the Soviet Union and Poland abstaining.

Many months of hard work and difficult negotiation in the Security Council and the Atomic Energy Commission lie ahead. Not all the essential principles have yet been agreed upon. The problem of enforcement must still be resolved. All the principles must be given specific and practical application in treaties and conventions unanimously agreed upon.

This is one of the main tasks before the United Nations in the coming year. To succeed, we must at the same time build the other essential foundations of a general system of collective security. The nations can safely lay aside their arms only in so far as their security is protected by other means.

An essential element of collective security will be the ability of the Security Council to fulfill its primary responsibility for the maintenance of international peace and security. In its consideration of international disputes during its first year the Council demonstrated increasing power to ameliorate situations that otherwise might have become dangerous and to influence the policies of nations in the direction of upholding the purposes and principles of the Charter. This was generally true even when the five permanent members failed to reach the required unanimity for definitive action. The Security Council's application on a continuing basis of the public and peaceful methods of the council chamber to the settlement of disputes between nations is a new development in international relations, the signifi-

cance of which gives every promise of becoming more apparent in the year ahead.

Important steps have been taken by the United Nations during the past year toward economic reconstruction and toward establishing the necessary basis for an expanding peace-time trade and employment.

A draft Trade Charter establishing principles and practices aimed at increasing the volume of world trade and employment by reducing or eliminating artificial trade barriers and restrictions has been proposed by the United States and is now being developed by a Preparatory Committee of 18 nations. One of the primary United Nations' tasks of the year ahead is the adoption of such a Charter and the creation of an International Trade Organization to carry it out.

The General Assembly has unanimously asked the Economic and Social Council to act on recommendations for the reconstruction and integration of the European economy and establishment of an Economic Commission for Europe. This Commission would unite all the interested countries, including the Soviet Union on the East and the United States on the West, in a common program. Steps toward economic reconstruction and development in the Far East will also be undertaken by the Economic and Social Council this year.

Progress has also been made by the Economic and Social Council and the specialized agencies during the past year in many other respects. It is not too much to say that the establishment and maintenance of lasting peace will depend in large part upon the ability of the United Nations to carry through to a successful conclusion the work it has begun toward world economic recovery and cooperation.

The promotion and protection of basic human rights for all peoples is a fundamental purpose of the United Nations. Active support for the wider realization of these rights and freedoms has been and should continue to be a primary objective of United States policy in the United Nations.

During the past year our representatives in the Assembly and the Economic and Social Council took the initiative in writing a charter for the International Refugee Organization under which the right to freedom and another chance for a decent life of a million victims of war and racial, political, or religious oppression would be preserved. I shall recommend to the Congress prompt acceptance of the constitution of the IRO and appropriation of our share of the expenses of its program.

The United States believes that freedom of information must be realized on a far wider basis than exists in the world today if the United Nations is to succeed. We have strongly supported the

policy of public debate of all issues in the United Nations because this promotes public knowledge and understanding and gives the peoples of the world a more direct opportunity to influence the results. We have also asked for action to break down the barriers to a wider, freer flow of information in the world. Preparations are now going forward for a world conference on freedom of information before the end of this year as one step in this direction.

The provisions of the Charter relating to dependent peoples offer to those hundreds of millions who do not yet govern themselves their best hope for attainment of this and other basic human rights and freedoms. The United States Representatives took a leading part in the General Assembly in bringing about the establishment of the Trusteeship System in the face of sharp disagreements and other major difficulties that might have caused indefinite delay. The United States will support further steps during the coming year toward strengthening the Trusteeship System.

America has long been a symbol of freedom and democratic progress to peoples less favored than we have been. We must maintain their belief in us by our policies and our acts.

One of the important long-range achievements of the General Assembly's First Session was the adoption of resolutions introduced by the United States on the codification and development of international law.

The General Assembly unanimously directed its committee on codification to give first attention to the charter and the decision of the Nuremberg Tribunal, under which aggressive war is a crime against humanity for which individuals as well as states must be punished. The Assembly also agreed that genocide—the deliberate policy of extermination of a race or class or any other human group—was a crime under international law. These developments toward the application of international law to individuals as well as to states are of profound significance to the state. We cannot have lasting peace unless a genuine rule of world law is established and enforced.

The justifiable hope and confidence to which the great progress of the United Nations in the past year has given rise can be betrayed and lost. The difficulties and dangers that lie before us are many and serious. They are strewn across the road that leads to the final peace settlements, to the establishment and maintenance of collective security, to the control of atomic energy and regulation and reduction of other arms, to the attainment of economic recovery and an expanding world economy, and to the wider realization of human rights.

Our policy of supporting the United Nations "with all the resources that we possess" must be given effective practical application on a genuinely national, bipartisan basis in every activity of the United Nations. This is just as necessary in the economic and social field as it is in the political field. We must pursue without hesitation bipartisan policies of economic cooperation with the rest of the world in such matters as economic reconstruction and development and the expansion of world trade and employment. Because of the inter-dependence of the economy of nations, it will also be vital to world recovery as well as to our own prosperity that we maintain at home a stable economy of high employment.

The responsibility of the United States is a particularly heavy one because of the power and influence that our history and our material resources have placed in our hands. No nation has a higher stake in the outcome than our own.

HARRY S. TRUMAN

THE WHITE HOUSE

February 5, 1947

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PART I

*Report by the President to the
Congress for the year 1946*

WITH APPENDIXES

I. General Assembly



Importance of the General Assembly

THE FIRST SESSION of the General Assembly of the United Nations was divided into two parts. The first portion of the session was held in London from January 10 to February 14, 1946 and was devoted primarily to the establishment of the functioning organization of the United Nations, although certain substantive problems were also considered. The work of the London meeting is described in the Report of the Secretary of State on the First Part of the First Session of the General Assembly.¹

On October 23, 1946, the General Assembly of the United Nations was convened for the Second Part of its First Session—the first meeting of the Assembly to be held on American soil.

Before the session drew to a close on December 16, 1946, the First General Assembly had written an impressive record of achievement. The United States Delegation played a prominent role in the Assembly's work.

In the light of experience it is possible now to assess with greater certainty the position and value of the General Assembly in the operations of the United Nations.

The General Assembly is primarily a deliberative body in which the views of all Members are tested in public debate and are reconciled, where possible, in recommendations embodying a consensus of the majority of Member states. The wide importance of the Assembly's deliberations and recommendations has been demonstrated by the vigor with which opinions have been presented in its sessions and the attention with which its decisions are received.

No other organ gives direct voice to the views of all the Members of the United Nations. No other organ has within its competence the discussion of all matters within the scope of the Charter. Because of its prestige and its all-inclusive membership the General Assembly establishes the climate of opinion within which the inter-

¹ Submitted to the President of the United States Mar. 1, 1946, and transmitted to Congress Mar. 19, 1946, Department of State publication 2484; H. R. 509, 79th Cong., 2d sess.

national community functions. Because of the force of public opinion generated by its debates it exerts a marked influence on the policies of the Member states. It sets the goals or objectives toward which the Organization is to progress, and through its general powers of surveillance it serves to some extent as a balance wheel, tending to regulate the limits and the pace of all United Nations activities.

The United States Delegation

Like the United States Delegation at the First Part of the First Session of the General Assembly, on which some of its personnel had served, the United States representation at the Second Part of the Session was bipartisan and broadly representative of the nation as a whole. Members of both Houses of Congress and important figures in public life were included in the Delegation. The Honorable Warren R. Austin of Vermont, now United States Representative at the Seat of the United Nations, acted as chairman. The other Representatives were Senator Tom Connally of Texas, Senator Arthur H. Vandenberg of Michigan, Mrs. Franklin D. Roosevelt, and Representative Sol Bloom of New York. The four alternate Representatives included two members of Congress, Representatives Charles A. Eaton of New Jersey and Helen Gahagan Douglas of California, and the Honorable John Foster Dulles of New York and the Honorable Adlai E. Stevenson of Illinois.

The Delegation was assisted in New York by Mr. Benjamin V. Cohen, Mr. Charles Fahy, and Mr. John C. Ross, serving as senior advisers; by a principal adviser, Mr. Durward V. Sandifer; and by advisers and assistants drawn from the Department of State and other agencies of the Government.

Role of the United States in Major Substantive Questions Considered by the General Assembly

The scope of the deliberations of the Second Part of the First General Assembly, together with a summary of United States policy on each important problem, is indicated below. The texts of the principal resolutions passed by the Assembly are reproduced in the Documents Supplement which forms Part II of this Report.

1. POLITICAL ISSUES

PRINCIPLES GOVERNING THE REGULATION AND REDUCTION OF ARMAMENTS

The unanimous adoption by the General Assembly of a comprehensive resolution on the principles governing the regulation and

reduction of armaments constitutes an outstanding achievement. The attainment of unanimity was the product of long and earnest efforts, through debate and discussion, to reconcile conflicting views.

The first action taken by the General Assembly in connection with the control of armaments was the passage on January 24, 1946, during the First Part of its First Session, of a resolution establishing the Atomic Energy Commission and formulating its terms of reference.

On October 29, 1946 Mr. V. M. Molotov, the Soviet Foreign Minister, introduced in the General Assembly a draft resolution stating that the Assembly considered a general reduction of armaments necessary and that a primary objective of such a reduction should be the prohibition of the production and use of atomic energy for military purposes. The Soviet draft resolution recommended that the Security Council take steps to provide for the achievement of these purposes. It made no mention of the Atomic Energy Resolution of January 24, 1946 or of the terms of reference of the Atomic Energy Commission, which included other major weapons adaptable to mass destruction as well as atomic weapons.

On October 30 Senator Austin welcomed on behalf of the United States the Soviet initiative in proposing further action by the Assembly on the regulation of armaments. He insisted, however, that in any system for the regulation of armaments emphasis must be placed on the creation of effective safeguards by way of inspection and other means to protect complying states against the hazards of violations and evasions. No general system of regulation could be effectively planned, he indicated, except in relation to the progress of the peace settlements and the establishment of collective security. One essential step was the conclusion of the military agreements called for under article 43 of the Charter so that the Security Council would have at its call the armed forces and military facilities to enforce its decisions.

During the debate in committee on this subject Canada, Australia, and the United States, as well as the U.S.S.R., introduced basic proposals, and amendments were submitted by the representatives of several other countries. The draft presented by the United States on November 30, 1946 was subsequently adopted as a basis for discussion on the initiative of the Soviet Union, which ceased to press for adoption of its own resolution and offered instead amendments to the United States draft.

In its original form the United States proposal stressed three principal points: first, that the Security Council should give prompt consideration to working out the practical measures, according to their priority, which are essential to provide for the regulation and reduction of armaments and to assure that such regulation and reduction will be generally observed by all participants; secondly, that

the Council should give first consideration to the report of the Atomic Energy Commission in order to insure that the regulation of armaments is directed toward the major weapons of modern warfare and the essential establishment of international control of atomic energy; and thirdly, that the provision of practical and effective safeguards by way of inspection and other means to protect complying states against the hazards of violations and evasions is essential to the regulation and reduction of armaments.

While a wide area of agreement existed on the subject of the control of armaments, it was necessary to reach accord on four essential points in the ultimate formulation of a satisfactory resolution:

(1) *International Control and Inspection.* The United States and other countries maintained that any resolution on the regulation of armaments should provide for the establishment of an effective system of inspection and control not subject in its operations to the unanimity rule in the Security Council. The Soviet Delegation's position that armaments control commissions should be established "within the framework of the Security Council" appeared at the outset to imply that the unanimity rule should apply in their operation. During the course of the debate in committee, however, Mr. Molotov stated that, once the commissions had been set up, they should carry out their work in accordance with the rules drawn up for them by the Security Council and that the Security Council veto would not apply.

"It should be quite obvious," he declared, "that the question of the well-known principle of unanimity operating in the Security Council has no relation at all to the work of the Commissions themselves. Consequently, it is entirely wrong to consider the matter in the light that any government possessing the 'right of veto' will be in a position to hinder the fulfilment of the control and inspections. . . . Every attempt to obstruct the control or inspection carried out in accordance with the decisions taken by the Security Council will be nothing other than a violation of the decisions of the Security Council. That is why talk about a 'veto' in connection with control and inspection is devoid of foundation."

In view of the Soviet assurances in this regard, it was considered unnecessary to include in the text of the resolution language referring specifically to the veto.

The Assembly's resolution therefore states only that the special organs for control and inspection established within the framework of the Security Council shall derive their powers and status from the convention or conventions under which they are established.

Thus, for the first time, the Soviet Union formally agreed to inter-

national control and inspection in the regulation of armaments and to the operation of international organs of control without regard to the veto.) Agreement on these two points did much to facilitate the unanimous adoption of a resolution on the regulation and reduction of armaments.

(2) *Atomic Energy.* Another crucial question concerned the relationship between the mechanism to be established for the control of atomic energy and any general system of arms control. The Soviet Delegation laid the greatest stress on the prohibition of the production and use of atomic weapons and advocated the conclusion of a special convention for that purpose. The United States, supported by the United Kingdom, France, Canada, and others, was insistent that there should be no interference with the work of the Atomic Energy Commission which, under the General Assembly resolution of January 24, 1946, was given a mandate to make specific proposals for the control of atomic and "all other major weapons adaptable to mass destruction", and also of atomic energy to the extent necessary to insure its use only for peaceful purposes. In the resolution as finally adopted, the Assembly urged the expeditious fulfillment by the Atomic Energy Commission of its terms of reference and recommended that the Security Council should expedite consideration of the reports to be made to it by the Atomic Energy Commission and of a draft convention or conventions for the creation of an international system of control and inspection of atomic energy.

(3) *Procedure for Establishment of System.* In the opinion of the United States Delegation it was desirable that the plans worked out by the Security Council for the regulation of armaments should be embodied in international agreements which would have to be approved by the states concerned in accordance with their constitutional processes. The Soviet Delegation at first suggested that the system of disarmament be established by simple decision of the Security Council but did not insist on this point. The Canadian Delegation proposed that all Members of the United Nations should consider the plans prepared by the Security Council at a special session of the General Assembly. The resolution as adopted calls for such a session to consider the plans of the Council for the regulation and reduction of armaments and for submission of the treaties approved by the Assembly to the signatory states for ratification in accordance with article 26 of the Charter.

(4) *Armed Forces.* In the resolution the General Assembly also recognized the close connection between international security and disarmament. With the full support of the United States and other nations, the General Assembly recommended in the resolution that

the Security Council should accelerate as much as possible the placing at its disposal of the armed forces to be provided for security purposes under article 43 of the Charter.

In the course of the Assembly's debates the Soviet, Egyptian, and other Delegations drew the Assembly's attention to the fact that the armed forces of some Members of the United Nations were stationed outside their own territories and emphasized the desirability of their withdrawal.¹ The resolution on armaments includes a recommendation that Member states undertake a progressive and balanced withdrawal of troops stationed in ex-enemy areas. It also suggests the withdrawal without delay of armed forces stationed in the territories of Members of the United Nations without their consent, expressed freely and publicly in treaties or agreements consistent with the Charter and not contradicting international agreements.

The resolution, moreover, recommends that the Members should reduce their national armed forces to an extent corresponding to such withdrawals and, in addition, that they should carry out a general progressive and balanced reduction of national armed forces. In fact, during consideration of the resolution, its general provisions on the regulation and reduction of armaments were extended to include armed forces as well.

This Assembly resolution will not of itself secure disarmament or even the general regulation and reduction of armaments. Significant progress in this direction involves not only formidable technical difficulties but—and this is of much more consequence—the resolution of problems of the greatest political import. In the last analysis, control and reduction of armaments can be effective only so far as genuine collective security and a peaceful political atmosphere are firmly established.

Yet the action of the General Assembly is of memorable importance, because it pledges all the Members of the United Nations to support basic principles of international control and inspection in the elimination of atomic weapons and all other major weapons adaptable to mass destruction and in the regulation and reduction of all other armaments.

The United States supports wholeheartedly the resolution adopted by the General Assembly. Its approach to the implementation of this resolution and its understanding of the priorities established by it were outlined by the Secretary of State in an address before the Assembly on December 13, 1946, in which he stated:

"We must see to it that disarmament starts with the major weapons of mass destruction. . . . that [it] is general and not unilateral.

¹ See the next section, p. 7.

. . . that [it] rests not upon general promises which are kept by some states and ignored by other states. . . . [and that it] is accompanied by effective safeguards by way of inspection and other means under international control which will protect complying states against the hazards of violations and evasions.

"We must see to it that these safeguards are so clear and explicit that there will be no question of the right of complying states, veto or no veto, to take immediate action in defense of the rule of law.

"No disarmament system which leaves law-abiding states weak and helpless in the face of aggression can ever contribute to world peace and security. . . .

"In meeting the problems of disarmament first things should come first. The first task which must be undertaken is the control of atomic energy to insure that it will be used only for human welfare and not for deadly warfare. . . ."

SOVIET PROPOSAL FOR SURVEY OF TROOPS ON FOREIGN TERRITORY

Discussion of the disarmament problem was complicated by a Soviet proposal, originally presented without success in the Security Council, providing that Members of the United Nations report to the Council the number and location of their armed forces in foreign states, with the exception of former enemy territories.

Throughout the discussion of this proposal the United States emphatically rejected any implication that its troops stationed in friendly foreign territories—all of whom were there with the consent of the governments concerned—endangered international security or justified uneasiness among the peoples of the world. The United States made it plain that it had no desire to conceal information of the type sought in the Soviet resolution. Indeed, in his speech of December 13, 1946 the Secretary of State disclosed that fewer than 550,000 of the 5,000,000 American troops overseas on VJ-day remained outside United States territory. The great majority of them, he stated, were in Japan, Korea, Germany, Venezia Giulia, and Austria. The only combat troops remaining in friendly countries at that time were 30,000 in the Philippines, 15,000 in China, and 1,500 in Panama. Half of the combat troops in China were scheduled to return home. In Iceland we had less than 600 non-combat military personnel; in the Azores about 300.

Since the proposal was presented to assist in carrying out the terms of article 43 of the Charter, the United States and the United Kingdom insisted in the debate that the survey cover all military forces in active service wherever stationed, including those in ex-enemy areas and at home. The United Kingdom also proposed that the

information supplied should be verified on the spot. The U.S.S.R. agreed to include personnel located in ex-enemy territory but maintained that if reports were to be requested on troops at home they should be requested on all armaments as well.

The United States took the position that information on armaments should be supplied only in connection with a comprehensive international inspection and control system. It also opposed any attempt to improvise a hasty verification procedure for the troop survey.

The Political and Security Committee of the General Assembly recommended for consideration by the Assembly a resolution along the lines favored by the United States, but in a plenary session the United Kingdom and the Soviet Union again raised the issues of verification and the inclusion of armaments in the troop survey. This led to an extended debate which resulted in an impasse. Since the essential issues had already been resolved in the agreement on the disarmament resolution, the great majority of Delegations supported, instead of the plan for a troop survey, a simple resolution proposed by M. Spaak, President of the Assembly, recommending that the Security Council determine as soon as possible the information which the Members should furnish to implement the general plan for the regulation and reduction of armaments and armed forces.

VOTING IN THE SECURITY COUNCIL

Probably no single issue related to the activities of the United Nations has aroused more sustained public controversy than the question of voting in the Security Council. Defended by the permanent Members of the Council as essential to the successful functioning of the United Nations in the maintenance of international peace and security, the general rule of unanimity of those Members on important matters,¹ which is embodied in article 27 of the Charter, has been criticized by other states as a major barrier to the creation of an effective system of collective security.

The debate on three items on the General Assembly's agenda provided a full opportunity for certain states to express their dissatisfaction with the operation of the Security Council under the unanimity principle during 1946. The first item, proposed by Australia, called for consideration of the application of article 27 of the Charter in the proceedings of the Security Council, including exercise of the "right of veto." The second and third, introduced by Cuba, in effect suggested that the General Assembly call a general conference of the Members of the United Nations under article 109 of the Charter, with

¹ See chap. III, Atomic Energy Commission.

a view to amending the Charter to eliminate the veto. The proposals were considered simultaneously by the General Assembly.

With regard to these matters the United States took a position which may be briefly summarized as follows:

(1) The principle of the unanimity of the permanent Members of the Security Council is of the highest importance for the success of the United Nations, and the reflection of this principle in article 27 of the Charter, based on the voting formula agreed to at the Yalta Conference, is valid.¹ The maintenance of world peace and security rests upon the unity of those nations which formed the core of the victorious coalition against the Axis. It follows that the chief decisions affecting the maintenance of international peace must be made with the consent of those states.

(2) While it, therefore, opposes the amendment of article 27 at this time, the United States believes that the failure of the permanent Members of the Security Council to agree upon important issues before the Council frustrates the carrying out of the principle of unanimity and leaves unsettled questions the solution of which is required in the interests of peace and security. The United States also considers that the responsibilities imposed upon the permanent Members of the Security Council under the Charter require them to make every effort to reach agreement on substantive questions before the Security Council.

(3) The United States hopes that the five permanent Members of the Security Council may find it desirable at some time in the future, in full agreement among themselves and with other members, to support modification of the unanimity requirement in its application to matters arising under chapter VI of the Charter, dealing with the pacific settlement of disputes.

(4) The United States hopes that the voting formula by which the Security Council operates may be clarified in the light of experience and practical need through the development by the Council of suitable practices and procedures which will reduce uncertainties and differences of opinion regarding its application. The United States has certain proposals to make concerning such practices and procedures but believes that the Security Council itself is the appropriate forum for their discussion.

¹ In his address to the General Assembly on Oct. 30, 1946 Senator Austin declared: "I wish also to make clear that the position which I am taking today in regard to the unanimity of the permanent Members of the Security Council is entirely consistent with the position taken by the United States Representative on the Atomic Energy Commission, Mr. Bernard M. Baruch, who repeatedly has made clear that the United States proposals regarding control of atomic energy do not attack the general requirements for unanimity of the permanent Members in the Security Council."

The General Assembly conducted an extensive discussion on the problem of voting in the Security Council. Virtually all the Member states expressed their views either in the plenary sessions or in committee discussions. Many suggestions were made which may in general be divided into three groups:

(1) A small group of states advocated either amendment of the Charter or basic changes in the practices and procedures of the Security Council. For example, Cuba proposed to eliminate the veto completely, while the Philippine Republic advocated the elimination of the veto and the substitution therefor of some system of weighted voting.

(2) At the other extreme the U.S.S.R. favored at the most a very general resolution which would in the main express confidence in the Security Council. It opposed any reference to the divergencies in the Security Council which gave rise to the discussions and any specific suggestions for lessening those divergencies.

(3) The overwhelming majority of the Assembly, including some of the states that were willing to vote affirmatively on resolutions reflecting the above views, strongly supported a position in general accord with the views of the United States. This position, embodied in a resolution originally introduced by the Delegation of Australia and amended at various times during the discussions, was passed by the General Assembly with 36 votes, 6 negative votes, and 9 abstentions.

The resolution, after taking notice of the divergencies in regard to the application and interpretation of article 27 of the Charter, "requests the permanent members to make every effort in consultation with one another and with fellow members of the Security Council to ensure that the use of the special voting privilege of the permanent members does not impede the Security Council in reaching decisions promptly". It goes on to recommend the early adoption of practices and procedures to reduce the difficulties in the application of article 27 and to recommend further that the Council, in developing its practices and procedures, take into consideration the views expressed in the General Assembly.

Informal discussions were held among the permanent Members of the Security Council, in conjunction with the meetings of the Council of Foreign Ministers in New York, in an effort to resolve certain differences of view among the permanent Members on these questions. These discussions did not produce the desired result of complete accord among the permanent Members.

There is reason to believe, nevertheless, that the discussions in the General Assembly have served to clarify the problem and that the

resolution adopted may be helpful in pointing the way toward improvements in the operation of the Security Council.

RELATIONS BETWEEN SPAIN AND THE UNITED NATIONS

In his oral report to the General Assembly on October 24, 1946 the Secretary-General noted that the Spanish question had repeatedly claimed the attention of various organs of the United Nations and remarked that as long as the Franco regime remained in Spain it would continue to be "a constant cause of mistrust and disagreement between the founders of the United Nations". The problem of relations between Spain and the United Nations was placed on the Assembly's agenda at the request of Belgium, Czechoslovakia, Denmark, Norway, and Venezuela. On November 4 the Security Council removed the Spanish question from its agenda, clearing the way for unimpeded action by the General Assembly.

It was apparent that a fundamental difference of views existed on the measures which should be taken to secure the replacement of the Franco regime. The most radical suggestions, recommending a break in diplomatic relations with the Spanish Government and the imposition of economic sanctions against it, were made by Poland and the Byelorussian S. S. R. respectively.

A large group of delegations, including that of the United States, objected to any attempt to use sanctions against Spain or to intervene in Spain's internal affairs. It was the opinion of the United States that such measures would not achieve the desired objective but would merely tend to unite the Spanish people behind General Franco, and if carried sufficiently far, to produce hardship, civil war, and chaos. The United States Delegation agreed that the totalitarian regime of General Franco should be replaced by a democratic government but maintained that as long as the regime did not constitute a threat to the peace this change should be accomplished by the Spanish people themselves, and by peaceful means. The Representatives of the United States therefore urged the adoption of a resolution which, by avoiding coercive recommendations, might permit the General Assembly to act unanimously in order to produce the greatest moral effect within Spain.

In support of its position, the United States introduced in the Assembly a draft resolution which contained two positive proposals. First, it recommended that the United Nations banish the Franco regime from the organized community of nations by debarring it from membership in international agencies set up at the initiative of the United Nations and from participation in conferences or other activities arranged by the United Nations or by those agencies. Secondly, it invited the Spanish people to establish the eligibility of Spain for

admission to the United Nations and suggested that, as a first step in this direction, General Franco should surrender the powers of government to a broadly representative democratic provisional regime committed to hold free elections.

After a long debate, the Political and Security Committee of the General Assembly rejected by tie votes both the proposal for a break in diplomatic relations with Franco and the United States suggestion for an appeal to the Spanish people. The Assembly finally adopted, by a vote of 34 to 6, with 13 abstentions, a resolution containing three recommendations. These are, first, that Franco Spain not be admitted to membership in international agencies "established by or brought into relationship with the United Nations" or to United Nations conferences until an acceptable Spanish Government is formed; secondly, that all Members of the United Nations immediately recall their ambassadors and ministers from Madrid; and thirdly, that, if within a reasonable time a democratic government is not established, the Security Council should consider the measures to be taken in order to remedy the situation. The United States Delegation expressed grave doubt as to whether the Charter provided any basis for Security Council action under such circumstances and abstained from voting on the third point. In order to achieve the greatest possible measure of agreement, however, it voted for the resolution as a whole.

TREATMENT OF INDIANS IN THE UNION OF SOUTH AFRICA

According to the Government of India, which brought this problem before the General Assembly, friendly relations between India and South Africa had been impaired by discriminatory measures taken against the long-established Indian population of the Union.

As the issue was presented, the Assembly was confronted by the necessity of deciding what type of action, if any, the United Nations should take in cases where it was claimed that the spirit of the Charter provisions on human rights and discrimination was being violated. The Indian Delegation, asserting that certain agreements concluded in 1927 and 1932 bound the Union in this matter, sought to have the General Assembly condemn the discriminatory practices of the South African Government and urge their revision. The South African Delegation, on the other hand, maintained that its treatment of the Union's Asiatic population, the bulk of which enjoyed South African nationality, was a domestic matter in which the United Nations, under article 2, paragraph 7 of the Charter, could not legally intervene. The South African Delegation stated, however, that it would agree to full discussion of the matter and suggested that the question of domestic jurisdiction be referred to the International Court of Justice.

The United States took the position that the International Court of Justice should be asked for an advisory opinion on the question whether an international obligation actually existed between the Union of South Africa and India. The United States Delegation believed that this question should be answered before the Assembly took any action directed against a Member state; that, if the Court advised that an international obligation existed, the General Assembly would be in a much stronger position to exert its influence against the alleged discrimination in South Africa; and that, since South Africa questioned the jurisdiction of the United Nations and was willing to have the matter submitted to the Court, it was entitled to that consideration.

The United Kingdom, Sweden, and a number of other states (including the South African Delegation itself) favored this general approach as the method best calculated to assist in a satisfactory solution of the problem. After a dramatic debate, the General Assembly rejected this view, and instead, by a two-thirds majority (32 to 15, with 7 abstaining), approved a proposal presented by France and Mexico and accepted by the Indian Delegation, which stated that friendly relations between the two Member states had been impaired and expressed the opinion that the treatment of Indians in the Union of South Africa should be in conformity with the international obligations under the agreements concluded between the two Governments and the relevant provisions of the Charter. The resolution requested the two Governments to report at the next session of the General Assembly the measures adopted to those ends.

ADMISSION OF NEW MEMBERS

Four new Members—Afghanistan, Iceland, Sweden, and Siam—were admitted to the Organization by the General Assembly upon recommendation of the Security Council. Considerable dissatisfaction was expressed, however, with regard to the Council's action on the admission of new Members and particularly because the Council had failed to make any recommendation regarding the admission of the five other states which had made application for membership: Albania, Eire, Mongolian People's Republic, Portugal, and Trans-Jordan. Without such a recommendation the General Assembly, under article 4 of the Charter, cannot act to admit an applicant.

A number of delegates asserted that the Security Council had rejected certain applications on grounds other than those contained in the Charter, which provides that membership is open to ". . . peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations." The Assembly conse-

quently adopted a resolution recommending that the Security Council reexamine the applications for membership in the United Nations from the five states which had not been admitted, on the basis of the criteria established in the Charter. The United States supported the proposal, opposing an unsuccessful attempt by certain eastern European states to alter it so as to lay special emphasis on the conduct of applicant states during World War II as a factor in admission.

Another resolution of the Assembly, originally presented by Australia but considerably modified in discussion, requested the Security Council to appoint a committee to confer with an Assembly committee, with a view to preparing rules governing the admission of new Members which would be acceptable to both bodies. The United States opposed the resolution on the grounds that the rules of procedure on membership are generally satisfactory and have not in themselves given rise to major difficulties, and that in its final form the resolution left the proposed committee without directives as to how to proceed.

On November 29, 1946 the Security Council approved the establishment of a subcommittee to meet with and to hear the views of the Assembly committee, and accepted the Assembly's resolution urging reconsideration of the five applications in question. The Council has appointed China, Brazil, and Poland to represent it in the joint discussion. The General Assembly committee will consist of Australia, Cuba, India, Norway, and the Soviet Union.

2. ECONOMIC AND FINANCIAL PROBLEMS

THE FOOD SHORTAGE

At the First Part of its First Session the General Assembly passed a resolution urging that immediate and drastic action be taken to increase and conserve supplies of cereals and to provide for the collection and publication of information on the food situation.

In view of the danger of a renewed food crisis in 1947, the General Assembly on December 11, 1946 adopted unanimously a more comprehensive resolution to encourage food production, food conservation, and the equitable allocation and prompt distribution of available supplies of cereals and other foodstuffs, free from political considerations.

Associating itself with the objectives of the resolution, the United States Delegation pointed out that production goals for American farmers were being pushed even higher in 1947 than in 1946 and that the main factor limiting United States exports was not shortage of available supplies but an overstrained transportation system.

POST-UNRRA RELIEF

At the suggestion of the United Nations Relief and Rehabilitation Administration and the Economic and Social Council, the General

Assembly also approached the problem of residual relief needs in 1947 through an exhaustive discussion of methods of extending relief to needy countries after UNRRA activities are concluded.

Many Delegations, particularly those from war-devastated areas in eastern Europe, exhibited a strong preference either for the prolongation of UNRRA activities or for the creation of another international relief agency such as an emergency food fund suggested to the Assembly by UNRRA Director General Fiorello H. La Guardia. The task of relief, these Delegations argued, was an international burden which should be borne by an international body with power to make allocations without regard to political factors.

The United States took the position that the need for direct relief had been greatly reduced by recovery in the liberated countries and by the availability of credit facilities; that time was of the essence in developing relief plans before the critical period prior to the 1947 harvest; and that the best results could be obtained not by the time-consuming process of establishing a new international agency to ascertain needs and allocate supplies but by direct, informal consultation among the contributing governments and the governments of the few countries still needing assistance.

The United States Delegation emphasized that this country did not intend to use food as a political weapon and that, in the particular circumstances of the case, it was not prepared to agree to the mandatory allocation of relief supplies by an international agency. The United States approach to the residual relief problem in 1947 was supported by the United Kingdom Delegation.

In view of the very great importance of the United States and the United Kingdom as contributors to any relief program, efforts were made to reconcile the divergent points of view by a compromise under which the functions of the international machinery to be established would be limited to collecting information and facilitating informal international consultation.

The resolution, passed unanimously by the General Assembly on December 11, 1946, recognized the need for relief, on a reduced scale, after the termination of UNRRA programs. It established a Special Technical Committee of ten experts, including an expert designated by the Government of the United States, to render a report by January 15, 1947 on the financial assistance required for relief purposes, and directed the Secretary-General to transmit information to, and to facilitate informal consultation among, the governments concerned regarding relief needs and plans.

A Norwegian proposal calling upon the Secretary-General and the Economic and Social Council to study the feasibility of obtain-

ing voluntary contributions of one day's pay for relief purposes also received the Assembly's unanimous approval.

ECONOMIC RECONSTRUCTION OF DEVASTATED AREAS

Pursuant to a General Assembly resolution of February 12, 1946 the problems involved in accelerating the economic reconstruction of devastated areas have been under study by the Economic and Social Council and a temporary subcommission of the Council established for that purpose.

At its session in New York on December 11, 1946 the General Assembly reviewed the conclusions reached by the Council and adopted unanimously a resolution reflecting the views of the Members on the subject. The resolution recognizes the urgent need for international cooperation in reconstruction activities, stresses the importance of prompt financial assistance through the International Bank for Reconstruction and Development, and recommends a survey of raw material resources needed for reconstruction purposes.

In the same resolution the General Assembly recommended that the Economic and Social Council give favorable consideration to the establishment of an economic commission for Europe and a similar commission for Asia and the Far East.¹

3. SOCIAL, HUMANITARIAN, AND CULTURAL PROBLEMS ASSISTANCE TO REFUGEES

At the Second Part of its First Session the General Assembly approved by a vote of 30 to 5 the Constitution of the International Refugee Organization and an interim arrangement for a Preparatory Commission, and requested the Secretary-General to open both instruments for signature. By December 31 representatives of eight countries—Canada, the United States, France, the Dominican Republic, Guatemala, Honduras, the Philippine Republic, and Liberia—had signed the two instruments, bringing the statute of the Preparatory Commission into force. The Constitution will become effective when 15 states contributing a total of at least 75 percent of the budget have become parties.

The action of the General Assembly at this session completed a long cycle of discussion. In February 1946 the Assembly had referred the whole question of refugees and displaced persons to the Economic and Social Council. The Council, through debate in its three sessions and through a series of committees and subcommittees, had emerged with draft instruments for the organization, a draft budget, and proposed scales of contribution.¹

¹ See chap. IV, Economic and Social Council.

A protracted debate took place at the autumn session of the Assembly on the IRO Constitution. Seventy-nine amendments to the Constitution were proposed, principally by the countries of origin of the refugees situated in eastern Europe. These countries consistently strove to bar political dissidents, whom they tended to regard as war criminals or fascists, from the benefits of any IRO activities except repatriation. In the main the countries of origin asserted that the new organization should be debarred from concerning itself with the resettlement of non-repatriable displaced persons. The Soviet Union also proposed that the life of the organization should be limited to one year. Such proposals and all the changes which they entailed were successfully resisted, largely under the leadership of the United States. Likewise defeated, except in a stipulation in the preamble of the Constitution without operating effect, was a provision designed to place the financial burden of the repatriation of displaced persons, to the extent practicable, upon the German and Japanese economies—a load which could not be borne without increasing the present subsidies of the occupying powers, particularly the United States and the United Kingdom, to the economies of the enemy states.

The budget of the organization had been carefully prepared by the Economic and Social Council, assisted by a special financial committee which met in London in July 1946. As approved, the budget provides \$4,800,000 for administration; \$151,060,000 for operations other than large-scale resettlement; and \$5,000,000 for large-scale resettlement operations, this last sum to be contributed on a voluntary basis. The United States contribution to the administrative budget has been fixed at 39.89 percent of the total (equal to its share of the United Nations administrative budget). The contribution to be made by this country to the operational budget has been set at 45.75 percent. This figure was reached as a result of special consideration for countries which had suffered from enemy occupation.

SOCIAL WELFARE ACTIVITIES AND THE CHILDREN'S FUND

The General Assembly took positive action on two projects originally proposed by the UNRRA General Council in September 1946 and subsequently endorsed by the Economic and Social Council.

The first project—the assumption by the United Nations of the more urgent advisory social welfare functions of UNRRA—was presented to the Assembly in a detailed plan prepared by the Secretariat. Under the plan, as approved by the Assembly, the United Nations is to provide funds for social welfare experts who will furnish advisory

services; for the further training of qualified social welfare officials; and for advice and demonstrations in connection with the manufacture and use of artificial limbs and the vocational training of physically handicapped persons. The services, training, and supplies are to be furnished only to those governments which specifically request them. A budget of \$670,000 has been provided. The project was fully supported by the United States.

The second project proposed by UNRRA and favorably received by the General Assembly was the proposal for an International Children's Emergency Fund, designed to provide assistance to children in war-devastated countries during the next few years.

On the initiative of the United States the scope of the Fund was expanded to include not only children in countries which had been victims of aggression—although these will enjoy priority—but also children in countries receiving UNRRA assistance and in others requiring assistance "for child health purposes generally". The Fund will be administered by an executive director to be chosen by the Secretary-General in consultation with an executive board composed of 25 countries, including the United States. The board will have final responsibility for determining programs and making allocations. Finances are to be provided by voluntary contributions from countries, organizations, and individuals. The Fund is authorized to accept any assets made available by UNRRA, and the sum of \$550,000 was immediately turned over by UNRRA as a nucleus.

WORLD HEALTH ORGANIZATION

In another resolution the General Assembly recommended that all Members of the United Nations accept the Constitution of the new World Health Organization at the earliest possible date. The Assembly acted to facilitate the establishment of the Organization by approving a loan by the United Nations of a maximum sum of \$300,000 to finance the activities of the Interim Commission of the World Health Organization in 1946, together with an additional loan of a maximum of \$1,000,000 for the Interim Commission or the Organization itself in 1947.

The Economic and Social Council had proposed that the funds be made available either as a loan or as a grant. The Assembly, however, accepted the United States view that it would in the final analysis be sound to establish the principle that all specialized agencies should finance themselves. The alternative of an outright grant of funds was accordingly eliminated.

CONTROL OF THE NARCOTICS TRAFFIC

Under the League of Nations there has been built up a system of control of the traffic in narcotic drugs. The uninterrupted continuation of this system is important for the welfare of all countries. Since the League has now ceased to function, the General Assembly, acting on a recommendation of the Economic and Social Council, decided that the United Nations should assume the duties and powers formerly exercised by it. The transfer of authority is being made through a protocol amending the pre-war narcotics agreements. On December 11, 1946 the protocol was signed by representatives of 36 governments, including the United States (subject to legislative approval); and later signatures, many of them subject to subsequent approval, have brought the total to about 50.

HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Besides the decisions of the General Assembly on the treatment of Indians in South Africa, the Constitution of the IRO, and the crime of genocide, which are described elsewhere in this chapter, four other resolutions—all of them supported by the United States—reflected the interest of the United Nations in human rights and fundamental freedoms. In a general resolution, the General Assembly called upon governments to take steps to put an immediate end to religious and so-called racial persecutions and discrimination in conformity with the letter and spirit of the Charter.

In a second resolution the Assembly authorized the holding of a conference on freedom of information in 1947. The conference will be convoked by the Economic and Social Council to formulate views concerning the rights, obligations, and practices which should be included in the concept of freedom of information, and the participating Delegations are to include persons actually engaged or experienced in press, radio, motion pictures, and other media for the dissemination of information. This resolution was the outgrowth of a Philippine proposal for an international press conference. Its scope was broadened with the full support of the United States Delegation.

A third resolution, submitted by the Danish Delegation and unanimously adopted, recommended that "all Member States which have not already done so, adopt measures . . . granting to women the same political rights as men".

Finally, in conformity with the United States views, the General Assembly referred a draft declaration on fundamental human rights and freedoms, introduced by Panama, to the Economic and Social Council "for reference to the Commission on Human Rights in its preparation of an international bill of rights".

4. LEGAL QUESTIONS

AFFIRMATION OF LEGAL PRINCIPLES OF CHARTER OF NUREMBERG TRIBUNAL

On October 24, 1946 the Secretary-General pointed out in his oral report to the General Assembly that "in the interest of peace . . . it will be of decisive significance to have the principles which were employed in the Nuremberg trials . . . made a permanent part of the body of international law as quickly as possible". In a letter of November 9, 1946 to Justice Biddle, United States Member of the Nuremberg Tribunal, the President stated that "the time is therefore opportune for advancing the proposal that the United Nations as a whole reaffirm the principles of the Nuremberg Charter in the context of a general codification of offenses against the peace and security of mankind". These principles establish the responsibility and liability to punishment of individuals, as well as of nations, for the waging of aggressive warfare and for crimes against humanity.

The United States Delegation took the initiative in introducing a resolution to this effect. The resolution as passed by the General Assembly was a reaffirmation by all the United Nations of the legal principles recognized by the Nuremberg Charter and confirmed by the judgment of the Nuremberg Tribunal. It also directed the committee appointed by the General Assembly on the codification of international law to treat as a matter of primary importance plans for the formulation of these principles, in the context of a general codification of offenses against the peace and security of mankind, or of an international criminal code.

THE CRIME OF GENOCIDE

The General Assembly, moreover, adopted a resolution pointing out that punishment of the crime of genocide, which is the denial of the right of existence to entire human groups, is a matter of international concern. The most striking example of such a crime was the murder by the Nazis of all but a few hundred thousand of the seven million Jews in Germany and occupied Europe. The Assembly resolution affirmed that genocide is a crime under international law for the commission of which private individuals or public officials are punishable, whether the crime is committed on religious, racial, political, or other grounds. The General Assembly requested the Economic and Social Council to undertake the necessary studies with a view to drawing up a draft convention on the crime of genocide to be submitted to the next session of the Assembly. The United States took an active part in the formulation of this resolution and supported it in its final form.

CODIFICATION OF INTERNATIONAL LAW

In accordance with article 13 of the Charter, which provides that the General Assembly shall encourage the progressive development and the codification of international law, the United States Delegation strongly urged the General Assembly to take action in that field as soon as possible. The United States Delegation, together with the Chinese Delegation, submitted a proposal providing that a committee should be established by the General Assembly to study the methods by which the progressive development and codification of international law might be encouraged. It was emphasized that, if codification were to be effective, it would be necessary to plan the entire process with great care.

The Assembly consequently created a committee of 17 members, including the United States, which was instructed to prepare plans during the next year for the codification of the principles of international law. The committee was instructed to regard the codification of the principles of the Nuremberg Charter, mentioned above, as a matter of primary importance. The committee was also given a mandate to report to the next session of the General Assembly upon the comments received from Member states regarding the Draft Declaration of the Rights and Duties of States presented to the General Assembly by the Delegation of Panama.

OTHER LEGAL PROBLEMS

The United States Delegation participated actively in the consideration of a number of other legal matters. It formulated regulations for the registration of treaties and international agreements with the Secretariat, in accordance with the terms of article 102 of the Charter, and secured their adoption by the Assembly. It assisted in the examination and approval of arrangements with regard to the privileges and immunities to be enjoyed by the Members and officials of the International Court of Justice. It introduced and successfully sought the passage of an interpretative resolution containing a necessary clarification of the meaning of the word "meeting" in articles 11 and 12 of the Statute of the Court, dealing with the election of judges. (This resolution requires the concurrence of the Security Council before it becomes effective.) On the advice of its Legal Committee, the Assembly also approved a report of the Security Council establishing the conditions upon which Switzerland might become a party to the Statute of the Court.¹

¹ See chap. VI, International Court of Justice.

With United States support the General Assembly adopted an official emblem for the United Nations and invited the Member states to protect the emblem and the name "United Nations" from exploitation for commercial use within their countries.

The Legal Committee of the General Assembly considered the legal aspects of a number of additional problems. On its recommendations the Assembly authorized the Economic and Social Council to request advisory opinions from the International Court of Justice, and approval was given to provisions in agreements between the United Nations and certain specialized agencies authorizing them also to request advisory opinions from the Court on matters within the scope of their activities.

5. ESTABLISHMENT OF TRUSTEESHIP SYSTEM

The important steps taken by the General Assembly to establish the trusteeship system, as well as the measures adopted with respect to non-self-governing territories, are described in detail in chapter V of this Report.

Important Organizational Decisions

1. ELECTIONS TO UNITED NATIONS COUNCILS

Belgium, Colombia, and Syria were chosen by the General Assembly in New York to occupy seats on the Security Council for a period of two years to fill the expiring terms of Egypt, Mexico, and the Netherlands.

The United States and Lebanon were reelected to the Economic and Social Council, while the Byelorussian S. S. R., New Zealand, Venezuela, and Turkey were selected to replace Colombia, Greece, Yugoslavia, and the Ukrainian S. S. R. on this Council. The Netherlands was elected to the Council in a special by-election to fill a vacancy created by the resignation of Belgium.

The establishment of the Trusteeship Council was completed by the election of Iraq and Mexico for three-year terms to achieve the balance between states which administer trust territories and those which do not, required under article 86 of the Charter. Thus the Assembly brought into existence the last of the principal organs of the United Nations for which provision is made in the Charter.

By a decision of the General Assembly, embodying a United States proposal, all Members of the United Nations Councils will henceforth take office on January 1 following their election and will conclude their terms of office at the end of the appropriate calendar year.

2. APPROVAL OF AGREEMENTS WITH SPECIALIZED AGENCIES

Pursuant to the terms of articles 57 and 63 of the Charter, the Economic and Social Council had negotiated agreements during the year bringing four specialized intergovernmental agencies into working relationship with the United Nations—the International Labor Organization, the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization, and the International Civil Aviation Organization. All four agreements were approved by the General Assembly; but in the case of the agreement with the International Civil Aviation Organization, which was created with the participation of Spain, the Organization is called upon to comply with the Assembly's resolution barring the Franco regime from membership in agencies affiliated with the United Nations.

In approving the resolution concerning these agreements, the General Assembly called upon the Economic and Social Council to report within three years on the progress of coordination of the policies and activities of the specialized agencies.

The United States voted in favor of all these decisions.

3. RELATIONS WITH NON-GOVERNMENTAL ORGANIZATIONS

The question of the type of relationship which should exist between the Economic and Social Council and the World Federation of Trade Unions—a matter raised at the San Francisco conference, the General Assembly in London, and at each of the first three sessions of the Economic and Social Council—received renewed attention during the session in New York. Although the president of the WFTU had expressed satisfaction with the broad arrangements worked out for consultation with the Economic and Social Council in accordance with article 71 of the Charter, Leon Jouhaux, Delegate of France and a vice president of the WFTU, requested that the Federation be granted additional privileges. In a letter to the president of the General Assembly, signed by himself and by another vice president of the WFTU, he urged the Assembly to recommend that the Economic and Social Council grant the Federation (1) the right to submit to the Council questions for insertion in its provisional agenda, in line with the procedure applicable to specialized intergovernmental agencies and (2) the right to make written and verbal statements to the Council on all matters of concern to the Federation. These two proposals were subsequently embodied in a resolution presented by the Soviet Delegation.

The United States Delegation strongly opposed any change in the arrangements already made by the Economic and Social Council on the grounds that these arrangements should afford ample opportunity for consultation between the WFTU and the Council, that there had been no opportunity to test these arrangements in actual practice, and that the additional privileges sought raised serious constitutional questions. The changes asked, it was pointed out, would give a single non-governmental organization privileges equal or superior to those of the specialized agencies and Member governments of the United Nations not sitting on the Economic and Social Council, and would jeopardize the Council's control over its own agenda.

Nevertheless the General Assembly adopted, by a vote of 25 to 22, the recommendation that the Economic and Social Council should grant to the WFTU the right to place items on the Council's provisional agenda. But the Assembly also approved by a large majority a United States resolution reaffirming the principle that all non-governmental organizations in Category A (those with a general interest in all the work of the Council) should be accorded equal privileges in regard to arrangements for consultation with the Council.¹ This group of organizations now includes the American Federation of Labor, the International Cooperative Alliance, and the International Chamber of Commerce, as well as the WFTU.

Headquarters of the United Nations

When the General Assembly met in October 1946, it received a committee report recommending five areas in Westchester County, New York, as possible sites for the permanent headquarters of the United Nations. At an early stage in the consideration of the report, the United States announced that in response to the desire of other Members it had abandoned its previous position of neutrality on the subject and would take an active part in assisting the United Nations to reach a decision. The General Assembly thereupon voted to consider other areas in the United States, and its Headquarters Committee decided to narrow the field to the areas of New York, San Francisco, Boston, and Philadelphia. A rapid survey of sites in these areas was made by a subcommittee which recommended the Belmont-Roxborough site offered as a gift by the City of Philadelphia and the Commonwealth of Pennsylvania, and the Presidio, a military reservation in San Francisco, as of equal merit, with the White Plains site in Westchester County as second choice.

In the discussion which followed in the full Committee, Senator

¹ See chap. III, Economic and Social Council.

Austin, speaking for the United States but without indicating any preference among the areas suggested, announced that, subject to Congressional consent, the United States would make the Presidio available without cost. When the time came for announcing the United States position, however, he supported the view of those Delegations, especially from Europe and including both the United Kingdom and the Soviet Union, who felt that the United Nations could operate more effectively on the Atlantic seaboard where it would be closer to most of the capitals of Member nations.

During the session there had been a marked shift of sentiment away from a suburban site and in favor of one within very easy access of a metropolitan center. The Philadelphia and San Francisco sites filled this requirement, but there had been virtually no opportunity to consider such sites in the Boston and New York areas. For this reason the United States moved to postpone the final decision until the next session.

In the last days of the session, however, John D. Rockefeller, Jr., offered to give the United Nations \$8,500,000 to acquire almost six blocks of land (approximately 17 acres) on the East River between Forty-second and Forty-eighth Streets in New York City. The City of New York agreed to donate the streets traversing this area and also to acquire by condemnation and give to the United Nations some parcels needed to round out the area of the site. The Headquarters Committee immediately appointed a subcommittee which examined the site and found it excellently suited for a skyscraper type of development. The General Assembly accepted the offer and requested the Secretary-General to take steps for the preparation of the necessary plans and estimates prior to the next session, with the assistance of an advisory committee of 16 Member nations including the United States.

Administrative and Budgetary Matters

1. UNITED NATIONS FINANCES

The principal administrative and budgetary accomplishments of the General Assembly were the review and approval of budgets for the financial years 1946 and 1947 and the further development of the permanent financial system and general organization of the Secretariat.

The budgets for 1946 and 1947 were fixed at \$19,390,000 and \$27,-740,000 respectively. The 1946 budget replaces the provisional budget of \$21,500,000 adopted at the London session. The Organization's working capital fund was reduced to \$20,000,000 from the provisional figure of \$25,000,000 established at the London session.

A scale of contributions was also set for the 1946 and 1947 budgets and the working capital fund. This scale, which is to be reviewed at the 1947 session of the General Assembly, fixes the United States contribution at 39.89 percent of the total, a reduction from the 49.89 percent originally recommended by the Committee on Contributions. It is recognized that the United States quota includes a substantial temporary assessment because of direct war damage suffered by a number of other Members. On this basis the United States share of the 1947 budget is \$11,065,486 and of the 1946 budget, \$7,734,671, while the United States advance to the working capital fund is \$7,978,000. (The United States has already appropriated \$5,300,000 of its contribution to the 1946 budget and has advanced \$6,153,500 toward its share of the working capital fund.) The floor for contributions by the individual states was set at a minimum of .04 percent of the total.

Senator Vandenberg, who represented the United States on the Administrative and Budgetary Committee of the General Assembly, was instrumental in securing a downward revision of the original proposal, pointing out that it was not only statistically inadequate in certain respects, but that under its terms of reference the Committee on Contributions had not found it possible to consider the vital principle of the sovereign equality of the Members of the United Nations, which might be jeopardized if one state were to dominate the Organization's finances. A reservation by the United States was incorporated in the General Assembly resolution on contributions as follows: "Under no circumstances do we consent that under normal conditions *any one nation* should pay more than 33½ percent in an organization of 'sovereign equals'". The figure of 39.89 percent for the United States contribution was accepted temporarily only on the distinct understanding, as expressed in the same reservation, "That the difference between 33½ percent and 39.89 percent is voluntarily assumed by us for [1946 and] 1947 and for the Working Capital Fund because we recognize that normal post-war economic relationships have not yet been restored and we are willing to accept this added, temporary assessment to assist the United Nations in meeting the emergency". The entire scale will be subject to review in 1947.

In the course of consideration of the United Nations budget and its financial regulations, the United States Delegation expressed the view that ultimately a central financial control must be established over the expenditures of the United Nations and the specialized agencies, in order to insure proper balance between programs and the financial solvency of the specialized agencies. The Assembly directed the Secretary-General to consult with the specialized agencies on this

subject. It also established a procedure for post-audit of the Organization's accounts and adopted revised provisional financial regulations.

Two United States nationals were elected as individuals to membership on expert advisory and standing committees of the General Assembly and the Organization: Mr. James Webb, Director of the Budget, to the Committee on Contributions; and Mr. Donald C. Stone, Assistant Director of the Bureau of the Budget, to the Advisory Committee on Administrative and Budgetary Questions.

2. PROGRESS OF THE SECRETARIAT

The examination by the General Assembly of the administrative structure of the United Nations disclosed that the Secretariat of the Organization had evolved in less than one year from a small temporary staff into a going concern capable of carrying the heavy load thrust upon it by the volume of United Nations business.

In compliance with the provisions of the Charter, the Secretary-General has assembled an international staff which, although still largely temporary, already includes nationals of over forty countries. United States nationals, the most numerous group in the Secretariat, are particularly predominant in the lower grades which, to date, have been recruited largely, and of necessity, on a local basis. Recognizing that the present staff had had to be assembled in haste and that some lack of geographic balance was therefore inevitable, several delegations expressed the hope that, in replacing the temporary staff the Secretary-General would improve the quality of personnel and place greater emphasis on a world-wide recruitment program designed to provide a more equitable geographic representation in the Secretariat. Steps are being taken by the Secretary-General with these ends in view. The total personnel of the Secretariat now consists of more than 2,500 employees in New York and almost 500 in Geneva, London, and other field offices.

At its session in New York the General Assembly established a provisional staff retirement and insurance scheme for the Secretariat, reviewed the progress of the Secretariat in the recruitment and training of staff, and approved a program for dissemination of information about the United Nations.

Pending legislative action by several Member states, including the United States, it proved impossible to arrive at a final decision regarding the problem of tax equalization (the elimination of net salary inequalities arising from different rates of income taxation in different countries) among the staff of the Secretariat. The General

Assembly recommended for the second time, however, that all Member states grant full immunity from national taxation to their nationals employed in the Secretariat and asked the Advisory Committee on Administrative and Budgetary Questions to review the possibility of instituting a system of internal taxation within the United Nations in lieu of national income taxation.

Mr. Arthur J. Altmeyer, Commissioner for Social Security of the United States Social Security Administration, was elected to the Joint Benefit Committee which will administer the staff retirement scheme.

II. Security Council



Role of the United States in the Organization and Work of the Security Council

THE CHARTER of the United Nations confers upon the Security Council "the primary responsibility for the maintenance of international peace and security". The chairman of the United States Delegation to the San Francisco conference, Edward R. Stettinius, Jr., then Secretary of State, in transmitting his report of that conference to the President described one of the principal functions of the Council as follows:

"It will be the duty of the Security Council . . . to use its great prestige to bring about by peaceful means the adjustment or the settlement of international disputes."

Cases brought before the Security Council during the past year, the initial year of its existence, all have been considered under chapter VI of the Charter relating to peaceful settlements. The Council had a difficult load to carry, because the world has been in a period of unrest of the type which inevitably follows the ending of a great war. Several of these cases have involved the presence of the troops of one power on the territory of another (the Iranian case, the Indonesian case, the Greek cases, the case relating to the Levant states of Syria and Lebanon, and the Soviet proposal concerning military forces of United Nations Members on foreign territories). Furthermore, all of these cases involved differences, arising directly from the war, among the permanent members of the Council, whose unanimity was required for non-procedural decisions. An outline of the salient features of each of these cases is given in this chapter.

The eleven states on the Council in 1946 consisted of the five permanent members, China, France, the United Kingdom, the Union of Soviet Socialist Republics, and the United States; three states serving two-year terms, Australia, Brazil, and Poland; and three states serving one-year terms which ended on December 31, 1946, Egypt, Mexico,

and the Netherlands.¹ The Council has been so organized as to be able to function continuously, and except for the six-week interval occasioned by its transfer from London to New York, has met at least every two weeks, on occasion meeting several times a week and even twice a day. There has been a total of 88 meetings, virtually all of which were open to the public and fully reported to the world.

The President of the United States stated in his opening address at the Second Part of the First Session of the General Assembly in New York that "The United States will support the United Nations with all the resources that we possess."

Our participation in the work of the Security Council has followed that spirit. The United States Representatives—former Secretary of State Edward R. Stettinius, Jr., from the Council's inception until his resignation on June 3, 1946; the Honorable Herschel V. Johnson, Deputy Representative under the United States Participation Act, who has been Acting Representative since June; and during the important discussion of the Iranian case in April, Secretary of State James F. Byrnes—have participated actively in all the cases under consideration. The full weight of United States prestige and influence has been thrown behind the activity of the Council, and many of its decisions were directly the result of United States initiative.

The United States has stood firmly for the right of every complainant and every nation directly involved in a case to be heard fully and publicly. The United States has also supported the principle that the Council should have all the facts at its disposal before making its decisions. Thus on two occasions, the second successfully in the third Greek case, it has urged on-the-spot investigations to insure impartial development of all of the facts.

While the United States has not yet brought a case to the Council table, it has recognized the great moral influence of the Council in the world by proposing to do so in the case of the plane incidents in Yugoslavia in the summer of 1946. On August 9 and August 19, 1946 two United States Army transport planes flying over Yugoslav territory were shot down with resulting loss of American lives. In its note of protest to the Yugoslav Government on this serious matter, which included a demand for immediate release of the surviving occupants of the planes, the United States announced its intention to call upon the Security Council to take appropriate action if its demands were not met within the time period stipulated in the note.

¹ To replace the last three states, Belgium, Colombia, and Syria were elected to the normal two-year term effective Jan. 1, 1947. See chap. I, General Assembly.

These demands were complied with by the Yugoslav Government, however, to such an extent that the matter was not referred to the Security Council.

The United States Government has been keenly aware at all times that the Members of the United Nations have conferred upon the Security Council primary responsibility for the maintenance of international peace and security and that the Council acts on behalf of all 55 Members of the United Nations. This Government has also been very conscious of the special role with attendant rights and responsibilities of this nation and the four other permanent members of the Council. This point of view has been constantly kept in mind by our representatives on the Council and as a reflection of this policy it is interesting to note that the United States thus far has not exercised the right granted to it as one of the permanent members of the Council to prevent by its negative vote a decision otherwise supported by the necessary majority of the Council.

The United States has believed and continues to believe in the principle of unanimity among the five permanent members of the Council and at the same time considers that the "veto" should be employed sparingly and only when there is a clear-cut justification for its use. Moreover this Government has worked and will continue to strive for the necessary clarification of the voting procedures in the Council in accordance with the resolution adopted by the General Assembly.² There has, in fact, been a growing practice of voluntary abstention, whereby permanent members have abstained from voting without this operating as a "veto". For example, in the third Greek case resulting in an appointment of a commission of investigation, both the Union of Soviet Socialist Republics and the United Kingdom abstained from voting on certain clauses of the resolution which defined the authority and functions of the commission.

Under article 33 all Members of the United Nations have pledged themselves to attempt to settle any disputes, the continuance of which is likely to endanger the maintenance of international peace and security, by the means enumerated in that article, such as negotiation, enquiry, mediation, or by other peaceful means of their own choice. Hence, it follows that disputes or other situations reaching the Security Council are normally serious matters which have not proved susceptible to direct negotiation between the parties involved. Compromise and negotiated agreement between independent states is sometimes difficult even on seemingly minor matters. The Security Council, in its day-to-day business, confronts the infinitely more difficult task of finding solutions to the more serious international

² See chap. I, General Assembly.

problems where multilateral accord is necessary and in certain cases where two or more of the great powers may hold conflicting views.

It should also be said that the Security Council in its first year has demonstrated clearly its power to exercise great influence toward promoting peaceful adjustments of disputes even when such disputes have been settled outside the Council. The mere fact that the Security Council exists and is open for business every day in the year has undoubtedly played a part in varying degree in such settlements. Illustrations which can be cited are the negotiated agreement reached between France and Siam with respect to certain disputed territory, and the prompt compliance by Yugoslavia with the United States demands in the plane incidents mentioned above. Also, agreement following the majority opinion in the Council was reached directly between France and England on the one hand and Syria and Lebanon on the other resulting in the settlement of this dispute. It is generally felt that the influence of the Security Council played an important part in the amelioration of differences existing between the Soviet Union and Iran. In these cases the important point is that the threats to international peace have been materially lessened or removed.

In addition to cases pertaining to the Council's primary duty of maintaining international peace and security, the Council has completed organizational tasks such as the nomination of the Secretary-General, participation with the General Assembly in the election of judges to the International Court of Justice, provision for the participation in the Court of states not Members of the United Nations, establishment of the Military Staff Committee, recommendation to the Assembly of four states for membership in the United Nations, and development of its own rules of procedure. The work on the rules of procedure is a continuing one and much remains to be done. The discussion of article 27, dealing with voting procedure in the Council, and the resolution pertaining thereto passed by the recent session of the General Assembly are expected to give renewed impetus in the coming year to the Council's consideration of this problem.³

Also within the next year the Council, in addition to handling whatever specific cases arise involving the maintenance of international peace and security, will be called upon to consider other broad, fundamental problems pertaining to world security. Already in prospect are the development of plans for disarmament including control of atomic energy for peaceful purposes only, supervision of Trieste, and the consideration of the United States draft trusteeship agreement for the former Japanese mandated islands in the Pacific.

³ See chap. I, General Assembly.

United States Position in Individual Cases Considered by the Council

There is set forth below in summary form the position taken by the United States in the several cases considered by the Security Council during the past year.

1. THE IRANIAN CASE

FIRST PHASE

In the first case brought to the Council's attention on January 19, 1946, Iran alleged interference by the Soviet Union in its internal affairs. The United States position, with which the Council agreed, was that the Council should take no action other than to encourage the continuance of the negotiations in progress between the Union of Soviet Socialist Republics and Iran, but should evidence its continued interest in the case by retaining the matter on its agenda.

SECOND PHASE

In March 1946 the Iranian Government again brought to the Council's attention the question of Soviet interference in the internal affairs of Iran and further alleged that the Soviet Government was maintaining troops in Iran beyond the period stipulated in the Tripartite Treaty of 1942.

Although the merits of this complaint were not discussed, our Representative on several occasions made clear the United States position. In the first place Secretary of State Byrnes, who served as United States Representative during part of the discussion, took the position that the matter was properly on the Council's agenda. On the Soviet proposal that the Council should postpone its consideration of the case, he pointed out that the Council could not, under its responsibilities, decide on a postponement until the representative of the country bringing the matter to the attention of the Council had been heard upon that issue. When the Soviet proposal was rejected, the Representative of the Soviet Union stated that he was unable to participate at that time in the Council's discussions of the Iranian question. He accordingly did not attend the next three meetings of the Council, resuming participation in the Council's discussions on April 15.

After the Council had received information from the Soviet Government that the withdrawal of its troops was in process, it adopted a suggestion of Mr. Byrnes that the Secretary-General of the United Nations should obtain from both the Soviet and Iranian Governments a report as to the status of the negotiations between them and a report

as to whether the withdrawal of troops was conditional upon the conclusion of other agreements between the two Governments.

The Council also adopted a resolution submitted by Mr. Byrnes which, after taking note of the replies received from the two Governments and of the Soviet assurances that withdrawal of troops had already commenced and would proceed as rapidly as possible, deferred further proceedings in the Council until a later date when the Council should receive a further report.

During the course of the Council discussions the Iranian Government informed the Council that it withdrew its complaint. Our Representative expressed the view that it was clearly within the power and authority of the Security Council to continue a case on its agenda even though the complaining Government had requested its withdrawal. Subsequently the Government of Iran reported to the Council that incomplete reports indicated Soviet troops had completed the evacuation of northern Iran on May 6, 1946. In further discussion of the case, the United States Representative stated that it would be most unfortunate for the Council to drop the Iranian question from the list of matters of which it was seized. He pointed out that the United States had followed the developments in Iran with great concern and had been giving consideration to requesting upon its own initiative an investigation by the Council in order to assist it to determine whether the continuance of the situation was likely to endanger international peace and security. We did not ask it at this time, however.

The United States view that it was necessary to keep the case before the Council was shared by the necessary majority of the Council, and the case was retained on the list of matters of which the Council is seized.

On December 5, 1946 the Iranian Government advised the President of the Security Council that due to the consequences of interference in the internal affairs of Iran the Central Government had not yet been able to reestablish its authority in the province of Azerbaijan. The report stated that, in order to keep the Security Council informed of the further consequences of the interference previously complained of, the Iranian Government desired to advise the Council of its decision to send military forces to all provinces to assure that the procedures for the election of the Majlis currently to be held be duly followed.

In furtherance of that decision the forces of the Shah entered Azerbaijan and after only minor difficulty the Central Government reasserted its authority in that province.

The Council, which has taken no further action in this matter, remains seized of the case.

2. THE INDONESIAN CASE

On January 21, 1946 the Ukrainian S.S.R. brought to the attention of the Security Council the situation in Indonesia, alleging the use of British, and even some Japanese, troops against the Indonesian population, and calling on the Council to carry out an on-the-spot investigation of the situation.

In voting with a majority of the Security Council against an investigation, the United States Representative expressed the view that no constructive purpose would be served by an investigation in Indonesia and indeed it might prejudice or retard the negotiations then in progress between the Dutch authorities and the Indonesian Nationalists.

The United States position was that, while it did not wish to see the vitally important function of investigation by the Security Council limited or diminished, it believed that there were objective criteria, not met in the case before it, which should be applied by the Security Council before a decision was made to investigate. These criteria were in the United States view: that investigation is warranted only if there is reason to believe from all the circumstances that the continuance of the situation is likely to endanger international peace; and that investigation should have a constructive purpose and should look forward and not backward. After the failure of the proposal for an investigation to carry, the Security Council took no further action on the case.

The Netherlands Government and the Indonesian leaders continued throughout the year discussions which began in 1945 and which led ultimately to the initialing of an agreement looking toward the establishment of a United States of Indonesia within the framework of the Kingdom of the Netherlands.

3. THE GREEK CASES

CASE BROUGHT BY THE U. S. S. R.

The first Greek case was brought to the Security Council's attention on January 21, 1946 by a letter from the chairman of the Soviet Delegation to the General Assembly, in which it was charged that the presence of British troops in Greece constituted interference with that country's internal affairs and contributed to tension fraught with grave consequences to the maintenance of international peace.

The United States Representative stated that he did not believe that the presence of British troops in Greece could be regarded as constituting a situation likely to endanger international peace and security within the meaning of the Charter; accordingly the United States felt that without such a finding the Security Council was with-

out Charter authority to recommend procedures or methods of adjustment. The Council finally accepted a proposal, originally put forward by the United States Representative, that its president should read a statement affirming that the Council had taken note of the statements made during the discussion and that the matter should be considered closed.

CASE BROUGHT BY THE UKRAINIAN S.S.R.

On August 24, 1946 the Ukrainian S.S.R. complained of internal conditions in Greece and incidents along the Greek-Albanian frontier, allegedly provoked by Greek armed forces. After full discussion in the Council the United States Representative proposed that the Security Council establish a commission to investigate the facts relating to border incidents along the whole northern frontier of Greece, with authority to call upon Albania, Bulgaria, Greece, and Yugoslavia for information.

This resolution received eight affirmative votes but failed of adoption because of the negative vote of the Union of Soviet Socialist Republics. Accordingly, the Council took no action at the time.

CASE BROUGHT BY THE GREEK GOVERNMENT

On December 3, 1946 the Security Council's attention was again called to the situation in Greece. In this case it was the Greek Government which brought the complaint, contending that her northern neighbors were lending support to the violent guerilla warfare being waged in northern Greece, and requesting the Council to conduct an on-the-spot investigation. After Greece as well as Albania, Bulgaria, and Yugoslavia had had an opportunity to make statements before the Security Council, the United States Representative proposed the establishment of a commission of investigation to ascertain the facts relating to the alleged border violations along the Greek frontier. The Security Council on December 19 unanimously approved the United States proposal with some amendments. Under this resolution as adopted, the commission, consisting of representatives of all members of the Council, has authority to conduct its investigation in northern Greece, and in such places in other parts of Greece, in Albania, Bulgaria, and Yugoslavia as the commission considers should be included, in order to elucidate the causes and nature of the border violations and disturbances.

In addition the resolution invites the commission to make proposals designed to avert a repetition of border violations and disturbances in these areas. Mr. Mark F. Etheridge has been designated as the United States Representative on the commission.

4. THE SYRIA AND LEBANON CASE

By letter dated February 4, 1946 the Lebanese and Syrian Delegations to the General Assembly complained of the continued presence of British and French forces in their countries after the close of hostilities and contrary to the Charter. The United States Representative stated that it was the general policy of this Government to encourage the rapid withdrawal of foreign troops from the territory of any Member of the United Nations occupied during the war, if the Government of that Member state desired their departure. He pointed to article 33 of the Charter which provided that the parties should first seek a solution by peaceful means of their own choice and expressed the view that the possibilities of finding a peaceful solution to the dispute had not been exhausted and that direct negotiations should be undertaken.

In accordance with this position the United States Representative proposed a resolution, expressing confidence that the troops would be withdrawn as soon as practicable and negotiations to that end undertaken without delay.

This resolution, although supported by seven members of the Security Council, failed because of the negative vote of the Union of Soviet Socialist Republics. However, both France and the United Kingdom declared they would carry out the sense of the resolution; Syria and Lebanon as well as France and the United Kingdom later reported the satisfactory conclusion of the negotiations to the Security Council. Furthermore, in May 1946 both the Syrian and Lebanese Governments reported to the Council that the troops had been withdrawn or satisfactory agreements reached for their early withdrawal.

5. THE SPANISH CASE

On April 10, 1946 the Representative of Poland in a complaint to the Council alleged that the activities of the Franco regime endangered international peace and requested the Security Council to call upon Members of the United Nations to sever relations with the Franco Government.

The United States Representative expressed his Government's willingness to consider any action which in its opinion would further the elimination of the Franco regime and the restoration of a democratic regime without civil war, and voted in favor of the establishment of a subcommittee to conduct further inquiries. The United States Government provided the subcommittee with a substantial amount of material.

The subcommittee found that the situation in Spain was one the continuance of which was likely to endanger the maintenance of inter-

national peace and security, although not an existing threat to the peace within the meaning of chapter VII of the Charter. It recommended that its report be transmitted to the General Assembly with the recommendation of the Council that unless the Franco regime was withdrawn and certain conditions of political freedom fully satisfied, a resolution be passed by the General Assembly recommending the severance of diplomatic relations with the Franco regime by each Member of the United Nations. The United States voted in favor of this recommendation after proposing, in order not to pre-judge the action the Assembly should take, that the resolution should alternatively provide for such other action as the General Assembly deemed appropriate and effective under the circumstances prevailing at the time. This resolution was consistent with the principle of political freedom inside Spain contained in the declaration made by the United Kingdom, France, and the United States on March 4, 1946, and it was based on the subcommittee's finding that there did not exist a threat to the peace warranting Security Council action under chapter VII of the Charter. In voting for the resolution, the United States Representative reserved the position which his Government might later take on the matter in the Assembly. The resolution, however, failed of adoption because of the negative vote of the Union of Soviet Socialist Republics, but it was agreed that the Spanish situation should remain upon the list of matters of which the Council was seized.

During the meeting of the General Assembly in October, the Council unanimously decided to drop the matter from the list of matters before it so that the bar contained in article 12 of the Charter would not prevent the Assembly from making recommendations in respect of the case.⁴

6. SOVIET PROPOSAL CONCERNING MILITARY FORCES OF UNITED NATIONS MEMBERS

On August 29, 1946 the Soviet Representative in an oral statement to the Council asserted that the presence of allied troops in a number of Member nations and other non-enemy states "cannot fail to give rise to a quite natural uneasiness in the peoples of those countries", and that "world public opinion . . . follows with unconcealed anxiety the situation" which had been created in these countries. He proposed that the Council require Members to submit information to the Council as to the location and quantity of such troops, the location of naval and air bases, and the size of the garrisons of such

⁴ See chap. I, General Assembly.

bases located on the territories of other Members or on non-enemy territories.

The Soviet statement was later submitted in writing, and the Council devoted two meetings to the discussion of whether it should be placed on its agenda.

In these discussions the United States Representative took the position that there was no basis in the Charter for the Council to consider a situation described simply as one creating anxiety and uneasiness. The Soviet statement did not amount to an allegation of a situation likely to endanger international peace and security which was necessary to bring the matter under chapter VI of the Charter, nor was it the equivalent of an allegation of threats to the peace or acts of aggression which would bring it within chapter VII.

Seven members voted against the inclusion of the Soviet proposal on the agenda, two members voted for its inclusion, and two members abstained from voting. The proposal was therefore not placed on the agenda of the Security Council.⁵

Security Council Recommendations on the Admission of New Members to the United Nations

Admission to the United Nations pursuant to article 4 of the Charter is effected by the General Assembly upon the recommendation of the Security Council. The first application, that of Albania, was received on January 26, during the First Part of the First Session of the General Assembly. On January 30, 1946 the United States Representative in the Security Council took the position, which was in effect accepted, that consideration of this application should be deferred and that it, together with all others which might be received, should be dealt with at some time prior to the fall meeting of the General Assembly. On May 17, at the suggestion of the United States, the Council established a committee consisting of representatives of all its members to examine and report to the Council on such applications as had been or might be received. This committee, meeting between July 31 and August 20, examined nine applications, those of Afghanistan, Albania, Eire, Iceland, Outer Mongolia, Portugal, Siam, Sweden, and Trans-Jordan, and reported to the Council on August 25. The Siamese application was withdrawn prior to consideration by the Council of the eight other applications.

In the Security Council, in an effort to promote universality of membership in the United Nations to every extent consistent with

⁵For the history of the proposal on the same subject which the Soviet Delegation placed on the agenda of the General Assembly in October, see chap. I.

the Charter, the United States, waiving certain doubts entertained with respect to whether Albania and the Mongolian People's Republic met the requisite qualifications, proposed that all eight applicants be admitted *en bloc*. When this proposal failed of acceptance and it became evident that exercise of the veto would prevent the admission of certain states which we believed better qualified for membership than Albania and Outer Mongolia, the United States voted against those two states which received, respectively, five and six affirmative votes. The result of the voting was that the Security Council recommended only three of the eight applicants, Iceland, Sweden, and Afghanistan. These were unanimously approved by the General Assembly on November 9. Siam subsequently resubmitted its application, was recommended for membership by the Security Council, and its admission approved by the General Assembly December 15.

Rules of Procedure of the Council

Article 30 of the United Nations Charter provides: "The Security Council shall adopt its own rules of procedure, including the method of selecting its President." Under the interim arrangements agreed upon by the United Nations in San Francisco in 1945, the Executive Committee of the Preparatory Commission worked out 34 rules of procedure which were provisionally adopted by the Security Council at its first meeting in London. The Council then established a Committee of Experts to be composed of a representative of each member of the Council to give further consideration to the rules.

The members of the Committee of Experts early in their deliberations reached an understanding that it would be preferable for all rules of procedure that it might recommend to the Council to have as nearly unanimous support of the Committee as possible, even at the risk of some delays.

Under this arrangement the Committee of Experts recommended, and the Council agreed upon, 60 provisional rules of procedure. All were recommended unanimously with the exception of three rules relating to membership on which Australia dissented.

In the effort to achieve substantial unanimity on rules, the consideration of some of the more controversial matters was postponed, particularly the rules relating to the voting procedures of the Council. However, it is believed that even in their present stage the provisional rules of the Security Council mark a considerable advance in making provision for procedures not hitherto available in international practice.

Continuance of the work of the Committee of Experts is con-

sidered necessary both because the Council requires additional rules of procedure on topics not now covered, and because it will be necessary and desirable from time to time to review the present provisional rules in order to perfect them in accordance with the development of the Council's operations.

Military Staff Committee

Article 47 of the United Nations Charter provides that a Military Staff Committee, consisting of the Chiefs of Staff of the permanent members of the Security Council or their representatives, shall be established "to advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and security, the employment and command of forces placed at its disposal, the regulation of armaments, and possible disarmament." Accordingly, the Security Council on January 25, 1946 adopted and issued a directive establishing the Military Staff Committee.

The Committee began its meetings in London on February 4, 1946 and proceeded at once to organize itself in accordance with the Security Council directive. At its third meeting on February 14, the Committee approved and submitted to the Security Council a draft statute outlining the Committee's functions and prescribing the form of its organization. Draft rules of procedure were also submitted. Pending their final approval, the Security Council has authorized the Committee to operate provisionally on the basis of these documents.

After its third meeting in London the Military Staff Committee adjourned and reconvened on March 25 in New York. During the year 25 meetings have been held, all of which have been private. As in the case of the Security Council, the members of the Committee have maintained representatives constantly at the place of meeting.

Since the establishment of the Military Staff Committee in London the United States Chiefs of Staff have been represented by Admiral R. K. Turner, senior United States member from October 1, 1946 through the remainder of the year; by Lieutenant General M. B. Ridgeway, and, until October, when he assumed command duties with the United States Air Forces, by General G. C. Kenney. General Kenney, former senior member, was succeeded by Lieutenant General H. L. George, who resigned shortly thereafter. Pending the appointment of his successor the Commanding General, Army Air Forces, was represented by Brigadier General C. P. Cabell.⁶

⁶The appointment of Gen. Joseph T. McNarney, Army Air Forces, was announced Jan. 6, 1947; upon assumption of his duties he will become senior U. S. member.

At the time of its adjournment in London the Security Council directed the Committee to undertake an examination of article 43 of the United Nations Charter from the military point of view and to report to the Security Council in due course. Article 43 provides that the Security Council and the Members of the United Nations as soon as possible shall conclude special agreements by which the Members will make available to the Security Council armed forces, assistance, and facilities for the maintenance of international peace and security. The responsibility for initiating negotiation of these agreements is placed by the Charter upon the Security Council.

As the first step in carrying out the Security Council's instruction, the Military Staff Committee has attempted to reach agreement on the basic principles which should govern the organization of the forces to be made available to the Security Council in accordance with article 43. The decision of the Committee to approach its assignment in this way was taken on the initiative of the representatives of the United States Chiefs of Staff. Draft statements of basic principles were introduced promptly in early April, 1946 by the representatives of the Chiefs of Staff of Great Britain, France, and China, as well as the United States. The Soviet Representatives did not introduce any proposals until September. Toward the end of the year the Military Staff Committee's work on these basic principles was resumed. However, this part of the assignment given the Committee by the Security Council still remains to be completed.

The Military Staff Committee is also working on a standard form of agreement to be used in negotiations between the Security Council and Members of the United Nations for the provision of armed forces, facilities, and assistance, including rights of passage, pursuant to article 43 of the Charter. The idea of a standard form for these special agreements was also proposed by the representatives of the United States Chiefs of Staff. This proposal was made in the belief that the process of negotiation between the Security Council and the Members would be facilitated and the Council would thus be able to discharge its Charter responsibility of negotiating these agreements "as soon as possible". Substantial progress has been made on the terms of such a standard form of agreement, but unanimity among all of the members of the Military Staff Committee has not yet been reached.

Progress of the Military Staff Committee in this difficult and hitherto unexplored field of international cooperation has been disappointingly slow during this past year, but there are already signs of greater speed and it is hoped that the pace of the Committee's work will continue to accelerate. When that occurs and the Com-

mittee makes its report and recommendations to the Security Council, the Council presumably can then proceed toward negotiation of the special agreements contemplated under article 43, which are subject to ratification by the constitutional processes of the Member states. With the entrance of such agreements into force, the Security Council will have arranged for the military forces and facilities necessary to the full discharge of its responsibility, under chapter VII of the Charter, of maintaining international peace and security. In the meantime, in accordance with article 106 of the Charter, this responsibility rests on the United States, the United Kingdom, the Soviet Union, France, and China.

III. Atomic Energy Commission



Establishment of the Atomic Energy Commission

WHEN THE United Nations met at San Francisco to draw up the Charter of the United Nations, atomic energy as a deadly weapon was as yet unknown to the world. After the surrender of Japan, this Government moved to establish machinery, both domestic and international, for control of the new and devastating weapon, and to insure that atomic energy would be used only for peaceful and productive purposes. In the President's message to the Congress on October 3, 1945, domestic legislation was recommended, which has already come into being, and the need was stressed for international arrangements looking to the renunciation of the use of the atomic bomb and the encouragement of the use of atomic energy for peaceful and humanitarian ends.

With these purposes in mind the President met with the Prime Ministers of the United Kingdom and Canada during the following month. The result of these conversations by the Governments which had collaborated in the wartime development of the atomic bomb was an Agreed Declaration citing the urgent need for international action under the auspices of the United Nations to control atomic energy to the extent necessary to insure its use only for peaceful purposes, to outlaw atomic weapons and other major weapons adaptable to mass destruction, and to provide for effective safeguards by way of inspection and other means to protect complying states against the hazards of violations and evasions.

The signatories of the Agreed Declaration, recognizing the magnitude of the task outlined and the need for having the other states which share under the Charter the primary responsibility for maintaining international peace and security join in the undertaking, took steps to accomplish this end.

As a result of a conference among the Secretary of State of the United States and the Foreign Ministers of the United Kingdom and the Soviet Union at Moscow in December 1945, the Soviet Union concurred in the principles outlined in the Agreed Declaration and be-

came a co-sponsor of the Resolution which was introduced into the General Assembly at its First Session in London in January 1946. France and China also readily joined in introducing the resolution which called for the establishment of a United Nations Atomic Energy Commission. The General Assembly, taking note of the urgency and importance of the objectives of the proposed commission, approved the Resolution on January 24, 1946 without a dissenting vote. The objectives are stated in the terms of reference of the Commission which require it to make specific proposals:

“(a) for extending between all nations the exchange of basic scientific information for peaceful ends;

“(b) for control of atomic energy to the extent necessary to ensure its use only for peaceful purposes;

“(c) for the elimination from national armaments of atomic weapons and of all other major weapons adaptable to mass destruction;

“(d) for effective safeguards by way of inspection and other means to protect complying States against the hazards of violations and evasions.”¹

The resolution specifies that the work of the Commission should proceed by separate stages, the successful completion of each of which will develop the necessary confidence of the world before the next stage is undertaken. The Commission was duly constituted, consisting of the representatives of the members of the Security Council and Canada. It began its meetings in New York on June 14, 1946.

By the terms of reference of the General Assembly resolution, the Commission shall submit its reports and recommendations to the Security Council, and such reports and recommendations shall be made public unless the Security Council, in the interest of peace and security, otherwise directs. In the appropriate cases the Security Council shall transmit these reports to the General Assembly and the Members of the United Nations, as well as to the Economic and Social Council and other organizations within the framework of the United Nations.

Appointment of the United States Representative to the Atomic Energy Commission

In accordance with the provisions of the United Nations Participation Act, Mr. Bernard M. Baruch was nominated by the President on March 18, 1946 and confirmed by the Senate on April 5,

¹ The Assembly resolution is published in the Report of the Secretary of State on the First Part of the First Session of the General Assembly.

1946 as the United States Representative on the United Nations Atomic Energy Commission.²

Formulation of the United States Position on International Control of Atomic Energy

1. ESSENTIAL CONSIDERATIONS

The basic approach to the international control of atomic energy adopted by the United States Representative and his associates—as in the case of the Acheson-Lilienthal group³—has been to ascertain the facts and to build a solution in conformity with those facts. It was clear that the advent of atomic energy into the affairs of the world had created unprecedented dangers and that a sound solution would likewise have to be unprecedented. The threat of atomic warfare which would hang over the world unless an effective system of control were found for this dread force demanded a bold approach which, while within the terms of reference of the General Assembly Resolution, would not give undue emphasis to traditional techniques.

A salient factor which had to be constantly borne in mind was that, up to a very advanced point, atomic energy processes are identical, whether the ultimate purpose is peaceful or destructive. Thus, the world might safely enjoy the positive benefits of atomic energy only if a means were found to forestall its use for destructive ends. It was clear that a mere agreement to outlaw the production and use of atomic bombs was not enough. It was also recognized that a system based on international inspection alone which would leave control

² Mr. Baruch selected John M. Hancock, Ferdinand Eberstadt, Herbert Bayard Swope, and Fred Searls, Jr., as his associates and advisers. Later, Thomas F. Farrell was named an associate, as was Dr. Richard C. Tolman who was also named scientific adviser to the Delegation, assisted by a Scientific Panel composed of Drs. R. F. Bacher, A. H. Compton, J. R. Oppenheimer, I. I. Rabi, C. A. Thomas, and H. C. Urey. A small number of staff assistants and consultants, along with the necessary administrative personnel, was appointed. Appropriate liaison arrangements were made with the Manhattan District on military security matters and with the United States Delegation to the United Nations' Military Staff Committee on military policy matters.

The Secretary of State arranged for Charles Fahy, Legal Adviser to the Department of State, to assist Mr. Baruch and his staff. Assistance was also rendered by Henry G. Ingraham and John Howard of the Legal Adviser's Office.

³ *A Report on the International Control of Atomic Energy* was in the main the work of a Board of Consultants to the Department of State. The Board, headed by D. E. Lilienthal, carried out its assignment under the direction of a Committee on Atomic Energy which the Secretary of State set up on Jan. 7, 1946 with Dean Acheson, Under Secretary of State, as chairman. The document was made public not as a statement of policy, but solely as a basis for discussion.

over the various atomic energy processes in the hands of national authorities would prove inadequate. When these facts were carefully pondered, it became obvious that an effective system of control would necessarily have to be on an international basis and that some international body would have to be empowered to control all critical phases of atomic energy.

2. UNITED STATES PROPOSALS

Through a series of conferences with the President and the Secretary of State, as well as members of the Acheson-Lilienthal group and members of Congress, Mr. Baruch and his associates worked out the broad lines of the United States policy.

As presented to the Atomic Energy Commission with the approval of the President as a basis for discussion, the United States plan called for a special treaty establishing an international Atomic Development Authority—as proposed in the Acheson-Lilienthal Report—responsible for control (including, where necessary, accounting, inspection, supervision, management, and licensing) of all activities in the field of atomic energy. The Authority would be supported by a system of rapid and effective punishments for violations and by free access for geological surveyors and other necessary inspectors to prevent misuse and insure compliance. It was proposed that no single state should have power to prevent the carrying out of punishments for crimes specifically defined in advance by voluntary agreement. After a system of international control had been brought into effective operation by appropriate stages, specifically defined in the treaty, it was proposed to cease bomb production and dispose of any existing bombs pursuant to the terms of the treaty, properly ratified in accordance with our established constitutional processes.⁴

Work Accomplished by the Atomic Energy Commission

In carrying on its work the Atomic Energy Commission established a series of subcommittees. At present these committees include: a Working Committee or Committee of the Whole, a Committee on Controls, a Legal Advisory Committee, and a Scientific and Technical Committee.

The work of the Commission to date may be summarized briefly in six phases:

1. INITIAL PRESENTATION OF VIEWS

The first phase extended from June 14 through June 25. While all twelve representatives made opening statements in the Commission, only two basic plans were put forward—the United States and

⁴ See supplement for text of June 14 Proposals.

the Soviet Proposals. The United States Proposal was made on June 14. On June 19 the Soviets proposed a convention calling for the immediate outlawing of the production and use of atomic weapons and the destruction of all stocks of atomic weapons within a period of three months thereafter and the enactment of national enforcement legislation within six months. This was to be followed by further consideration by the Commission of means of exchanging information and of possible methods of control.

2. ELABORATION OF UNITED STATES PROPOSALS

The second phase ran from June 25 through July 15, during which the United States Delegation presented a series of three memoranda,⁵ which elaborated the provisions that might be contained in the treaty and the charter establishing the Authority, its detailed powers and functions, and the relations between the Authority and the organs of the United Nations. It was proposed that the international control body should have a degree of autonomy commensurate with its responsibilities, but that to the extent possible this body should be brought into close relationship with the United Nations structure. As regards relations with the Security Council, it was urged that a formula should be found which would not diminish the general powers of the Security Council relating to the maintenance of international peace and security but which would not subject the Authority to inaction through the use of the veto. The treaty should define specifically certain acts as international crimes and should provide for swift punishment of violators. It was stated that all parties to the treaty and all peoples of the world should have protection of a final and dependable character against the terrible consequences of the destructive use of atomic energy. Such protection required international machinery which could and would function quickly—machinery which would not permit an offender to be protected by his own or another's obstruction.

It was pointed out that a provision that the veto would not apply in the field of atomic energy matters would in no wise involve any compromise of the principles of unanimity of action as applied to general international peace and security problems or to particular situations not foreseeable and, therefore, not susceptible of advance unanimous agreement in the treaty. Concerning the right of self-defense under article 51 of the Charter, it was suggested that the term "armed attack" might be redefined in a manner appropriate to atomic weapons

⁵ These memoranda are contained in *International Control of Atomic Energy: Growth of a Policy*, Department of State publication 2702.

so as to include not only the actual dropping of an atomic bomb but also certain other steps which in themselves would be preliminary to such action.

With regard to the International Court of Justice it was suggested that the Authority might be authorized to request advisory opinions of the Court on legal matters arising within the scope of the Authority's activities, that the Authority might be authorized to be a party in cases before the Court involving legal disputes arising under the treaty, that the treaty might include provisions that the Authority and the signatory states would be bound to submit to the jurisdiction of the Court in legal disputes defined in the treaty, and that in such cases the judgment of the Court might be enforced by the Security Council.

3. ELABORATION OF SOVIET PROPOSALS

The third phase of discussion extended from July 24 through August 6. It developed that the Soviet Proposals envisaged *national* control of atomic energy activities in the several countries, coupled with a convention outlawing the production and use of atomic weapons. It was proposed that the Security Council would handle any cases arising in this field which might constitute a threat to international peace and security in the same way that other threats would normally be handled by that body. No provision was made for inspection to insure compliance nor for any international machinery for control and enforcement, beyond action by the Security Council under the terms of the United Nations Charter. At this stage in the discussions, the Soviet Representative took the position that the United States Proposals were not acceptable "as a whole or in their separate parts".

In the discussions that followed the Soviet presentation, a number of the delegates expressed doubt that the Soviet Proposals would be effective, emphasizing that there was urgent need for a system of control which would foster the beneficial uses of atomic energy while preventing its diversion to destructive ends. It was felt that a convention which would merely provide for punishments after bombs were dropped would not be enough and that emphasis should be put on a fully effective system which would prevent diversions.

4. STUDY OF THE FEASIBILITY OF CONTROL

With the views of the several delegates having been developed in some detail, the Commission turned to the Scientific and Technical Committee for a report on the technological feasibility of control. During this fourth phase further discussions of policy were suspended.

In a series of some twenty meetings, most of which were informal,

the Scientific and Technical Committee prepared its report. As unanimously approved, the Scientific and Technical Committee report concluded that, on the basis of the available scientific facts, there was no reason for supposing that effective control was not technologically feasible. No attempt was made to evaluate the political feasibility of any system or systems by which effective control could be achieved. The report was a presentation of the basic scientific and technical facts in the field of atomic energy which demonstrated that the same atomic energy activities might lead either to peaceful or to destructive ends, and that these peaceful and destructive possibilities were so intimately interrelated as to be almost inseparable. It analyzed the principal activities involved in the peaceful use of atomic energy and described the points of danger and the character of the dangers which would exist at each point unless appropriate safeguards were established against the use of atomic energy for destructive ends.

5. STUDY OF SPECIFIC SAFEGUARDS

Upon receipt of this report on October 2, the Commission entered the fifth phase of the negotiations by undertaking to discuss in detail the types of safeguards that should be devised in order to meet the facts presented by the Scientific and Technical Committee report. These discussions, which were carried on in the Committee on Controls, were organized around three broad phases:

1. measures to prevent diversion of uranium and thorium and their fissionable derivatives to destructive uses;
2. measures to prevent clandestine operations; and
3. measures to prevent seizure of plants and facilities.

Within these three categories the Committee discussed the various steps in the production of fissionable material and its use for peaceful purposes, starting with raw materials. More than twenty meetings—nearly all of which were informal—were held with various technical experts participating in the discussions.

The Committee on Controls completed its study on December 26 when it adopted its report by a vote of 10-0. Poland abstained, while the U. S. S. R. was recorded as not having participated in the adoption of the report.

The report of findings of the Committee on Controls was adopted by the Atomic Energy Commission as a part of its year-end report to the Security Council.⁶ The Committee reached the important con-

⁶ *The First Report of the Atomic Energy Commission to the Security Council* is in process of publication by the United Nations. The findings, in full, of the Committee on Controls will appear as part V of that Report.

clusion that an international control agency must be responsible for the system of safeguards and control. While indicating the types of safeguards that should be applied at various stages by the international control agency in the production of atomic energy, the Committee was careful to point out that its findings were not definitive but rather indicative of the types of safeguards required. The findings do not, therefore, represent a comprehensive plan for atomic energy control but only some of the elements which should be incorporated in any complete and effective system.⁷

6. ADOPTION OF THE BASIC PRINCIPLES OF THE UNITED STATES PROPOSALS

As the Committee on Controls was proceeding with its work, the Atomic Energy Commission entered upon the sixth phase of discussion when it decided on November 13, 1946 to submit to the Security Council by December 31, 1946 a year-end report of its proceedings, findings, and recommendations.

Aware that many aspects of atomic energy control involved political considerations which could be acted upon only by the Commission itself rather than its subcommittees, the United States Representative on December 5, 1946 put forward for action by the Commission at a later meeting a series of general findings and recommendations for incorporation into the report to the Security Council.⁸

Meanwhile, the General Assembly had begun consideration of the general problem of disarmament. In the debates that were held on this matter, the statements made by the Soviet Foreign Minister, Mr. V. M. Molotov, indicated that a greater measure of agreement on atomic energy control than had appeared likely earlier might now be possible.⁹

On December 17, 1946 the Commission adopted the principles on which the United States general findings and recommendations were based,⁸ with the proviso, as put forward by the Canadian Representative, that the wording should be conformed to the pertinent wording of the General Assembly disarmament resolution of December 14, 1946.¹⁰

⁷ The introduction to and the text of the findings of the Committee on Controls as summarized in *The First Report of the Atomic Energy Commission to the Security Council* appear in the supplement.

⁸ The speeches of the United States Representative before the Commission on Dec. 5, 1946 and on Dec. 17, 1946, as well as the general findings and recommendations as finally incorporated in the report to the Security Council are found in the supplement.

⁹ See chap. I, General Assembly.

¹⁰ See supplement.

The sixth phase of the Commission's work was ended on December 30, 1946 when by a vote of 10 to 0, with the U. S. S. R. and Poland abstaining, the Commission approved a report to the Security Council including, in slightly amended form, the general findings and recommendations of the United States Representative.¹⁰ As accepted, these findings and recommendations constitute the basic principles of the Proposals that have been consistently advocated by the United States.

Summary of Progress

In the work of the United Nations Atomic Energy Commission the United States, owing to its unique position in the field, has taken the lead in providing the information essential to a reasonable understanding of the problem of control and of its Proposals. None of the information provided has been of a secret character and the requirements of national security have been scrupulously guarded.

The United States has proceeded in the belief that, once the facts of the problem are adequately known and understood, the necessity for, and the requirement of, a fully effective system of control accompanied by adequate safeguards to protect the world against the dangers of atomic warfare will be agreed to by all Members of the United Nations Atomic Energy Commission.

That this program of factual analysis and discussion has borne fruit is evidenced by the progress which the United Nations Atomic Energy Commission has made thus far. After the Scientific and Technical Committee had found that there was no reason to believe that control of atomic energy was not scientifically and technologically feasible, the Committee on Controls agreed upon a series of specific safeguards which would have to be included as a part of any effective system of control and concluded that an international control agency must be responsible for the system of safeguards and control. By its action on December 30, the Commission agreed on certain general findings and recommendations which are in essence the basic principles of the United States Proposals.

While the Commission has still a long way to go before a treaty can be drafted to establish a fully effective international system of control, the progress made to date is heartening. Guided by the basic principles and findings which it agreed to on December 30, the Commission can now proceed with its more detailed study of the requirements of such a system.

Unanimity has not yet been achieved, but several statements made recently by representatives of the U.S.S.R., notably the Soviet Foreign Minister, Mr. V. M. Molotov, in the debates on the General

¹⁰ See supplement.

Assembly disarmament resolution of December 14, 1946, indicate that the area of agreement has become much more significant than in June when the Commission began its work.

There is good reason to hope that, if the imperatives of the problem are given the weight they deserve, the political obstacles that still stand in the way of arriving at a sound solution can be overcome and that the nations represented on the Atomic Energy Commission will be able to reach unanimity on a fully effective international system of control of atomic energy.

IV. Economic and Social Council



United States Aims

THE ACTIVE AND whole-hearted participation of the United States in the Economic and Social Council reflects a fundamental principle in this Government's foreign policy. The peace which has been won by force of arms cannot be fully realized or endure in a world weakened and split by economic anarchy and embittered by social injustice. The United States holds it to be imperative that this Council should, as quickly as possible, complete its organizational work, which has been tremendous, in order to grapple promptly with the urgent problems which lie in its field.

The most important of these problems involved healing the economic and social wounds of war—the reconstruction of devastated areas; the repatriation and resettlement of refugees and displaced persons; and the renewal of the flow of trade, transportation, and finance.

The Representative of the United States to the Economic and Social Council is Mr. John G. Winant,¹ and his reports to the Secretary of State on the three meetings held in 1946, which have been issued by the Department of State, contain detailed information on the accomplishments and activities of the Council to date. The Deputy United States Representative to the Economic and Social Council is Mr. Leroy D. Stinebower.

In the organizational field the United States has emphasized the need for the prompt establishment of the Commission structure necessary to handle the complicated work of the Council; for the organization and manning of the Secretariat with a view to highly competent and effective performance of the staff work of the Council and its Commissions; and for setting up working relationships between the Council and various specialized agencies and the conclusion of formal agreements of relationship as contemplated in the Charter. The United States also has initiated action for the establishment of new specialized agencies in such important fields as trade and employment, health, and refugees; and has sought to bring into consulta-

¹ Resigned Dec. 19, 1946.

tion non-governmental organizations active in the broad fields of the Council's concerns. The Council has now instituted action to give effect to most of these aims.

Organizational Phase

1. THE LONDON MEETINGS

The Preparatory Commission of the United Nations which met in London in December 1945 recommended an early meeting of the Economic and Social Council to enable it to undertake immediately the urgent tasks in its field. On January 23, 1946 the Council held its first session—just a few days after the General Assembly had elected the 18 members of the Council.² Its inaugural session was devoted primarily to organizational problems such as: (1) the establishment of commissions along the lines recommended by the Preparatory Commission; (2) arrangements for bringing the specialized agencies into relationship with the United Nations; (3) arrangements for consultation with non-governmental organizations; (4) initiation of action on the subject of refugees and displaced persons; (5) the appointment of a committee to draft a constitution for a world health organization; and (6) the appointment of a preparatory committee to plan the work for a conference on trade and employment and to draft a charter for an international trade organization.

2. THE COMMISSION STRUCTURE

The primary organizational task of the new Council was to establish the commissions contemplated by the Charter and further proposed by the Preparatory Commission. Five of these, together with one subcommission, were set up in London on a temporary or "nuclear" basis to study suggested terms of reference, problems of composition and structure, and to outline programs of work for the permanent commissions when established. These nuclear commissions—Economic and Employment, Transport and Communications, Statistics, Social, Human Rights and its subcommission on the Status of Women—met in April and May in New York. The Council at its second session, May 25–June 21, reviewed the reports of these commissions and established the permanent commissions in each of these fields. On the initiative of the United States it raised the subcommission on Status of Women to the status of a full commission. The other three commissions—Narcotics, Fiscal, and Population—were set up on a permanent basis, the first during the first session in London, the last two at the third session, September 11–October 3, in New York.

² See appendix 2.

The composition of the commissions was determined by the Council at its second session after extensive discussion on the question of whether the members should be representatives of governments elected by the Council or persons appointed in their individual capacity. The Council finally agreed upon an intermediate course: nominating governments would be elected by the Council, and the persons nominated by governments would be confirmed by the Council after an opportunity had been given the Secretary-General of the United Nations to consult with various governments concerning their nominees, with a view to obtaining balanced commissions.

Current membership terms on the commissions are for two, three, or four years, as drawn by lot, with three-year terms thereafter. The United States was elected to all the commissions, as were China, France, the United Kingdom, and the Union of Soviet Socialist Republics. The structure of some of the subcommissions was likewise considered by the Council, which called upon the Economic and Employment Commission to establish a subcommission on Employment and Economic Stability, and another on Economic Development. Upon the initiative of the United States, the Commission on Human Rights was authorized to establish a subcommission on Freedom of Information. Two other subcommissions, Prevention of Discrimination and Protection of Minorities, were also authorized.

3. THE SPECIALIZED AGENCIES

In providing for the establishment of relationships with various specialized agencies, the Charter of the United Nations gave recognition to the importance of having a focal point for coordination of the policies and activities of these agencies with those of the United Nations Organization itself.

The Charter entrusts the Economic and Social Council with the task of negotiating agreements with the specialized agencies for the purpose of bringing them into relationship with the United Nations and for making recommendations for the coordination of their activities. The Preparatory Commission recommended that agreements be negotiated initially with the Food and Agriculture Organization (FAO), the International Labor Organization (ILO), the International Bank for Reconstruction and Development, the International Monetary Fund, and the United Nations Educational, Scientific and Cultural Organization (UNESCO). At its inaugural session the Council set up a committee to conduct these negotiations and at its second session was able to approve, subject to confirmation by the General Assembly³ and the plenary bodies of the agencies, practically

³ The agreements were approved by the General Assembly; see chap. I.

identical agreements with FAO, ILO, and UNESCO. At the third session similar approval was given to an agreement with the International Civil Aviation Organization. Agreements with the Bank and the Fund have not been negotiated because of their desire to postpone negotiations until they have become more fully organized, and until operating experience indicates more clearly the terms which would be suitable for inclusion in formal agreements. The Council has taken initial steps looking toward the negotiation of agreements with the International Telecommunication Union and the Universal Postal Union; and the constitutions of new agencies such as the World Health Organization contemplate the establishment of relationships with the United Nations.

All these agreements provide for representation (without vote) at each other's meetings, for exchange of information, for correlation of statistical and administrative services, for budgetary and financial consultation between United Nations and the agencies, for assistance to the Security and Trusteeship Councils, and for other forms of cooperation designed to increase the effectiveness of the work of the United Nations and the various agencies.

4. THE NON-GOVERNMENTAL ORGANIZATIONS

The Charter accords to the Economic and Social Council the permissive power of making arrangements for consultation with non-governmental organizations concerned with matters within its competence. The implementation of this provision was undertaken at the first session of the Council following a recommendation of the General Assembly that such arrangements be made with particular reference to the World Federation of Trade Unions (WFTU), the International Cooperative Alliance, and the American Federation of Labor.

A committee was appointed to examine the situation and to report to the Council at its following session. On the basis of the recommendations of this committee, the Council established three categories of recognized non-governmental organizations, as follows:

a. Those having a basic interest in most of the activities of the Council and closely linked with the economic and social life of the areas they represent—organizations of labor, business and management, farmers and consumers. The three organizations listed above and the International Chamber of Commerce have, so far, been placed in this category;

b. Those having a special competence and concerned with only a few of the Council's fields of activity;

c. Those primarily concerned with public opinion and the dissemination of information.

Consultative arrangements may vary according to these categories. Because of the broad scope of the interests of the organizations placed in category *a*, more fully developed arrangements were made for consultation with this group. In particular, representatives of these organizations may be invited to consult with a standing committee of the Council appointed for that purpose and, upon the recommendation of that committee, to appear before the Council for the purpose of expressing their views.⁴ Adequate arrangements were made, however, to enable all organizations accredited by the Council and placed in categories *b* and *c* to communicate their views to the Council and its commissions.

More than 150 organizations have applied to the United Nations for consultative status. Their applications will be evaluated during the ensuing months by the Council's Committee on Non-Governmental Organizations, and a recommendation made to the Council's fourth session. The Council decided that, in general, national organizations would be expected to make their voice heard through their own national delegations rather than directly to the Council or its commissions.

Business of the Council

1. REFUGEES AND DISPLACED PERSONS

The most pressing of the substantive problems before the Council throughout its first year has been that of refugees and displaced persons victims of the war. With the imminent liquidation of the United Nations Relief and Rehabilitation Administration, it has been the United States position that a new specialized agency dealing only with the problem of repatriation and resettlement of the refugees and displaced persons should be promptly created. It was realized that the cost of helping more than 800,000 persons would be large, but the United States proposed that this cost should be apportioned equitably and emphasized the dangers of not settling this tremendous human problem as quickly as possible.

At its first session the Council appointed a Special Committee on Refugees to study this problem and to make recommendations on methods for dealing with it. The report of the Committee to the Council's second session proposed the establishment of an International Refugee Organization and suggested a constitution for it. A

⁴ See chap. I. General Assembly.

Committee on Finance was appointed by the Council at its second session to work out a budget for the proposed organization. Both the constitution and the budget for the organization came in for detailed examination at the third session.

The chief points which arose in the discussions of the constitution were:

- a. The extent to which repatriation or resettlement elsewhere of refugees should be deliberately influenced by information programs, by regulations, by definitions, by grants of food or other assistance, or by other methods;
- b. The amount of information the International Refugee Organization should be obligated to give governments regarding persons under its care;
- c. The relative authority in the International Refugee Organization of the proposed executive committee and the Director General.

By and large the United States views favoring a strong organization were upheld. The many amendments offered which tended to restrict the authority of the new organization failed of adoption by the Council, and the constitution was approved subject to General Assembly confirmation. The Assembly approved the constitution, with certain other amendments, during the Second Part of its First Session.⁵

The budget for the first year of the new organization, as it was reported by the Finance Committee, involved approximately \$258,000,000. The size of this figure, despite the importance of the ends to be achieved, was viewed with concern by many of the delegations and after critical examination it was reduced by the Council to \$156,000,000. Final approval of this budget and the allocation of contributions were left to the General Assembly along with plans for interim arrangements.⁵

2. ECONOMIC RECONSTRUCTION

The Council at its second session established a Temporary Subcommission on the Economic Reconstruction of Devastated Areas. The members of this Subcommission of the Economic and Employment Commission were instructed to survey the actual areas involved, obtain information on their reconstruction needs, and render a preliminary report thereon to the Council at its September session. In view of time limitations, the Subcommission has so far concentrated its work on Europe but has made preparations for work in the Far East.

⁵ See chap. I, General Assembly.

Its report included a number of general recommendations for action that should be taken on such subjects as food, housing, manpower, coal, allocation of materials in world short supply, transportation, finance, and so forth. In order to implement these recommendations the Subcommission transmitted to the Economic and Social Council a proposal that an Economic Commission for Europe be established. This proposal envisaged a Commission which would be charged with the task of "facilitating concerted action for the economic reconstruction of Europe, and of initiating and participating in measures necessary for the expansion of European economic activity and for the development and integration of the European economy." To this end it would have the task of merging or coordinating existing agencies such as the European Control Inland Transport Organization, the European Coal Organization, and the Emergency Economic Commission for Europe. In view of the importance and scope of the question the Council deferred action on this proposal until its next session, at which time it would have the benefit of the views of the General Assembly.⁶ Since the recommendations on the other matters above largely depend for their implementation on the creation of some such body, they were referred to the interested governments and specialized agencies as a basis for action which might be undertaken by them.

3. INTERNATIONAL TRADE

The Economic and Social Council, at its first session, considered the steps already taken by the United States Government toward the establishment of an International Trade Organization, among whose purposes would be the reduction of trade barriers of all kinds, the control of restrictive business practices, the setting up of intergovernmental commodity arrangements on a basis fair to consumers as well as producers, and assistance in the general economic development of its members. The Council decided to call an International Conference on Trade and Employment to further this end, and constituted a Preparatory Committee of 18 members to prepare for the Conference by drawing up a draft annotated agenda and a draft charter for the proposed organization.

The Preparatory Committee met in London on October 15, 1946 and discussed in detail a draft charter for the International Trade Organization prepared by the United States Government. The Committee reached a very large measure of agreement on the text of the charter and will meet again in Geneva in April 1947 to complete its work prior to the convening of the general International Conference.

⁶ See chap. I, General Assembly.

4. HEALTH AND WELFARE

Health and welfare problems were among the most urgent faced by the Economic and Social Council in 1946. Political boundaries have never had significance before the ravages of disease, and in a world weakened by war, famine, and homelessness, the United Nations have recognized as one of their prime responsibilities the prevention of world epidemics or pestilence, and the maintenance of world health at a high level.

At its first session in London the Economic and Social Council decided to call an international conference on health matters and appointed a Technical Committee to prepare for it. As a result of this Committee's work, the World Health Conference, which met in New York in June, had before it a draft constitution for a World Health Organization. It was contemplated that this Organization should have a wide membership; should, in general, act as the directing and coordinating authority on international health work and should provide or assist in such activities as research, interchange of information, drafting of international conventions, standardization of nomenclatures, diagnostic practices and pharmaceutical standards, and so forth.

The Conference agreed on a constitution for this proposed World Health Organization, which is now before the participating governments for approval. The United Nations Secretariat, in reporting the results of this Conference at the third session of the Council, suggested that the United Nations advance funds in 1946 and 1947 to finance the World Health Organization, and to the Interim Commission. The General Assembly acted on these proposals during the Second Part of its First Session.⁷

Also in this general field, the Council, at its third session, had before it the question of arranging for the continuity of the Narcotics Conventions entered into by various nations under the aegis of the League of Nations. At its first session, as mentioned above, the Council had created a Narcotics Commission on which the United States is represented. No objection was raised in the debate on these Narcotics Conventions about the substance of the proposed protocol on this subject, but the propriety of the United Nations forwarding this protocol to the Franco Government in Spain for signature was questioned. It was agreed, the United States assenting although opposed in principle, to eliminate Spain from the list of proposed signatories to the protocol, and with this revision the proposal was approved and forwarded to the General Assembly for confirmation. The action

⁷ See chap. I, General Assembly.

taken by the Economic and Social Council was confirmed by the General Assembly.⁶

During its third session the Council took steps to ensure that certain of the welfare activities being carried on by the United Nations Relief and Rehabilitation Administration would not lapse with the dissolution of that organization in June 1947. It directed the Secretary-General to consult with officials of the United Nations Relief and Rehabilitation Administration regarding immediate steps to be taken, and requested the Social Commission of the Council, at its first session, to make recommendations on continued action which should be undertaken to carry on the social welfare functions of UNRRA.⁸ In addition the Council requested approval by the General Assembly of the setting up of an International Children's Emergency Fund to carry on the work which the United Nations Relief and Rehabilitation Administration has been doing in this field.⁸

5. DANUBIAN SHIPPING

At the third session of the Economic and Social Council the Yugoslav and Czech Delegations introduced claims for restitution of certain Danubian barges which, it was argued, United States authorities were holding. The United States welcomed discussion on this matter, agreeing freely that ultimate title to the barges lay with Yugoslav and Czech owners, but pointing out that restitution in itself would not meet the difficulties of which these Governments complained. The Czech and Yugoslav resolutions were not approved by the Council. To meet the basic problem the United States proposed convening, at as early a date as practicable, a conference in Vienna to consider the establishment of a working basis for resumption of navigation on the Danube. While this proposal for a conference was approved by the Council, the conference was not convened, as contemplated, after the Secretary-General ascertained that less than a majority of the states concerned would participate.

The United States subsequently returned the barges to Czechoslovakia, Yugoslavia, and to other nations. It should be pointed out that the discussion of this matter before the Economic and Social Council was distinct from the prior and subsequent consideration by the Council of Foreign Ministers of the broader question of a new international regime for the Danube.

⁶ See chap. I, General Assembly.

6. OTHER SUBJECTS OF SPECIAL UNITED STATES INTEREST

Among the supplementary items introduced on the agenda of the third session of the Council after its start were two in which the United States had a particular interest.

The United States Representative proposed that the Council call a conference in 1947 looking toward an exchange of information and techniques regarding the conservation of natural resources, including exhaustible resources, renewable resources, and energy resources. This proposal was supported by a letter from the President of the United States urging on the Economic and Social Council the need for reviewing the status of world resources as a result of the war. In as much as some delegations preferred to consider the proposal at a later date, further discussion of it was postponed to the fourth session of the Council.

The British Delegation introduced a proposal, which was adopted, that the Secretary-General of the United Nations convene at an early date a meeting of experts to prepare for a world conference on passports and frontier formalities. The British proposal, which the United States warmly supported, furthermore called on the Transport and Communications Commission to study the whole subject of barriers to international travel.

V. Trusteeship System and Non-Self-Governing Territories



THE MEMBERS of the United Nations agreed at San Francisco upon provisions designed to guarantee the political, economic, social, and educational advancement of the many millions of people in non-self-governing territories. These provisions, set forth in chapters XI, XII, and XIII of the Charter of the United Nations, contain a declaration of principles and obligations accepted by Members which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government. They also establish an international trusteeship system for the administration of territories placed thereunder by subsequent individual trusteeship agreements. The United States, through participation in meetings of the General Assembly and other organs of the United Nations and of specialized agencies, in discussions with other Members of the United Nations, and in the development of regional commissions for non-self-governing territories, has sought diligently the implementation of the provisions of chapters XI, XII, and XIII.

Resolution on Non-Self-Governing Peoples

A resolution drafted by the United Nations Preparatory Commission for submission to the General Assembly at the First Part of its First Session held in London in January and February, 1946, called upon states administering territories under League of Nations mandate to undertake practical steps for placing those territories under the trusteeship system so that agreements could be submitted for approval, preferably not later than the Second Part of the First Session of the General Assembly.

The United States Delegation to the London meeting felt that this Draft Resolution should be amended by adding provisions: (a) to reaffirm the principles relating to all non-self-governing territories which are set forth in chapter XI of the Charter, (b) to take account of the fact that the obligations accepted by Member Nations under chapter XI were already in force, and (c) to request the Secretary-

General to include in his annual report a summary of such information as may have been transmitted to him under article 73 (e). This article provides for regular transmission by Members of the United Nations of "statistical and other information of a technical nature relating to economic, social, and educational conditions" in territories, other than those placed under trusteeship, for which they are responsible.

A resolution incorporating these amendments was agreed upon and adopted by the Trusteeship Committee and the General Assembly.¹ The steps taken by the United States and other Members of the United Nations pursuant to this Resolution are described in the section which follows.

Information on Non-Self-Governing Territories

The Secretary-General requested—by letter dated June 29, 1946—the opinion of each Member on the factors to be taken into account in determining which are the non-self-governing territories referred to in chapter XI of the Charter. He also indicated that if the respective Members were already in a position to supply information on non-self-governing territories under article 73 (e) "such action would no doubt be highly appreciated by the General Assembly".

After consultations with the other interested departments of the Government, the Acting Secretary of State transmitted to the Secretary-General on August 19, 1946 copies of the latest Annual Reports of the Governors of Alaska, Hawaii, Puerto Rico, the Virgin Islands, and the Panama Canal Zone,² and a specially prepared "Report to the United Nations on Guam, Samoa, and Other Island Possessions administered by the Navy Department". In an accompanying note to the Secretary-General, the Acting Secretary pointed out in part that "Chapter XI would . . . appear to apply to any territories administered by a Member of the United Nations which do not enjoy the same measure of self-government as the metropolitan area of that Member", but that for this year this Government had used a purely pragmatic approach in selecting the territories on which it should transmit information in the hope that the experience

¹ The resolution is contained in the Report of the Secretary of State on the First Part of the First Session of the General Assembly.

² On Nov. 14, 1946 the Delegation of Panama made a declaration to the General Assembly asserting that although the United States has the responsibility for the administration of the Panama Canal Zone it should not have included the Panama Canal Zone among the territories for which it submitted information under article 73 (e) of the Charter, chiefly on the grounds that sovereignty over the Canal Zone resides in the Republic of Panama.

of the various Members would perhaps reveal more clearly the kind of criteria, if any, that could eventually be agreed upon in making the selection. Attention was called to the fact that "the territories under the administration of this Government have already attained varying degrees of self-government and that the political advancement of all these territories is a matter of special concern to the American people."

The fact that this Government was the first of the United Nations to transmit information on non-self-governing territories to the Secretary-General was favorably noted in the press as were also the views advanced by the United States with regard to the method of determining the territories to which chapter XI applies. Information regarding their respective non-self-governing territories was also transmitted to the Secretary-General by the Governments of Australia, Belgium, Denmark, France, the Netherlands, New Zealand, and the United Kingdom. Thus eight Members have pledged themselves to supply to the United Nations information on conditions in seventy-two non-self-governing territories.

The General Assembly in the Second Part of the First Session in New York adopted a resolution on the transmission of information under article 73 (e) which instructed the Secretary-General to summarize, analyze, and classify such information, to communicate it to the specialized agencies, and to convene an *ad hoc* committee prior to the Second Session of the General Assembly to examine the information transmitted with a view to making recommendations to the General Assembly. The United States voted against this resolution on the ground that the creation of an *ad hoc* committee would be an unnecessary and undesirable duplication of machinery in view of the fact that the Secretariat is already equipped to perform these functions. The *ad hoc* committee is to consist of the eight states transmitting information on territories under their administration and of the following eight Members elected by the General Assembly: Brazil, China, Cuba, Egypt, India, Republic of the Philippines, the Union of Soviet Socialist Republics, and Uruguay.

Conferences of Non-Self-Governing Peoples

The Philippine Delegation, at the Second Part of the First Session of the General Assembly, introduced a resolution calling for the Economic and Social Council to convene a world-wide conference of non-self-governing peoples to implement the provisions of chapter XI of the Charter. After various revisions of the Philippine draft resolution were considered in committee and subcommittee, the plenary session of the General Assembly rejected the provision

authorizing the Economic and Social Council to call the conference in favor of an amendment, moved by Cuba, recommending that Members responsible for the administration of non-self-governing territories convene conferences of representatives of non-self-governing peoples.

Throughout the committee discussions and in the plenary meetings of the General Assembly, the United States strongly supported regional rather than world-wide conferences of representatives of non-self-governing peoples and opposed any proposals which would have authorized the Economic and Social Council to convene such conferences. The United States Delegation held that granting the Economic and Social Council such powers would be contrary to the Charter since it tended to give the Economic and Social Council an authority equal to or greater than that exercised by the metropolitan governments responsible for the administration of non-self-governing territories.

Drafting of the Trusteeship Agreements

During meetings of the General Assembly and its Trusteeship Committee in London all of the mandatory powers, except the Union of South Africa,³ announced that they would draw up trusteeship agreements placing the "B" and "C" mandated territories respectively administered by them in Africa and the Pacific under the international trusteeship system provided for in chapters XII and XIII of the Charter. The Resolution adopted by the General Assembly on February 9, 1946 welcomed the declarations by these mandatory powers and invited them and other states to take steps to conclude trusteeship agreements for submission to the Second Part of the First Session of the General Assembly.

At its final meeting in April 1946 the Assembly of the League of Nations noted the expressed intentions of the Members of the League administering territories under mandate to continue to administer them for the well-being and development of the peoples concerned in accordance with the obligations contained in the respective Mandates until other arrangements had been agreed upon between the United Nations and the respective mandatory powers.

Early in 1946 the United States Government received copies of proposed trusteeship agreements for Tanganyika, Togoland, and the Cameroons from the United Kingdom; for Ruanda-Urundi from Belgium; and later for Togoland and the Cameroons from France; for

³ The question of trusteeship for South West Africa, a former League of Nations mandate administered by the Union of South Africa, is discussed later in this chapter.

Western Samoa from New Zealand; and for New Guinea from Australia. The United States Government communicated to each of those mandatory powers its comments on their proposed terms of trusteeship and its views on procedures for the submission of trusteeship agreements to the General Assembly. Consultations regarding many provisions in the draft trusteeship agreements were undertaken with each of these nations. Although certain controversial points were not settled in the conversations, agreement was generally reached to add a significant number of provisions to the original draft agreements enlarging upon the rights of the inhabitants of the trust territory and specifying in greater detail the obligations of the administering authority to insure their political, economic, social, and educational advancement.

The most important provisions initiated by this Government were directed toward insuring that the administering authority would: guarantee freedom of speech, of the press, of assembly, of petition, of worship, and of religious teaching; extend the general system of education; apply any pertinent international conventions and recommendations to the trust territory; facilitate the periodic visits of the Trusteeship Council to the trust territory; and cooperate on behalf of the trust territories in any regional advisory commissions for non-self-governing territories which might be established and in other public or private international organizations.

Although the suggestions of the United States received general approval and were included in most of the trusteeship agreements, other articles in some of the drafts permitting certain types of monopolies to be established in trust territories occasioned considerable discussion, without complete agreement being reached before the meetings of the General Assembly.

Trusteeship Agreements Approved by General Assembly

Article 79 of the Charter provides, in part, that "The terms of trusteeship for each territory to be placed under the trusteeship system . . . shall be agreed upon by the states directly concerned, including the mandatory power in the case of territories held under mandate by a Member of the United Nations . . .".

The procedure for agreeing upon the terms of trusteeship as specified in this article is not susceptible of easy determination. At the San Francisco conference the United States understood that the "states directly concerned" would be determined and that these states might negotiate prior agreements. Later the United States favored a simplified procedure. In November 1946 the United States Delegation proposed in the Trusteeship Committee of the General

Assembly a practical procedure to obviate the necessity for specifying the "states directly concerned" in each trust territory and thereby to facilitate the early establishment of the trusteeship system. Under this proposed procedure every state which is interested, whether or not technically determinable as a "state directly concerned" and whether a great power or a small power, would have an equal opportunity to present its views in a subcommittee of the Trusteeship Committee. In accepting this procedure, those states (except for the mandatory power in each case) without prejudice to any rights they might possess, would waive formal classification as a "state directly concerned" and forego formal signature of the preliminary agreements submitted to the General Assembly, simply agreeing to accept the decision of the General Assembly taken by the requisite vote. Following this procedure, the Trusteeship Committee selected a subcommittee which examined the provisions, interpretations, and implications of each article of the eight proposed agreements and of each of the two hundred and twenty-nine suggested modifications to the agreements introduced by the Members.

The subcommittee which considered the proposed trusteeship agreements found that the preambles of the drafts raised the question of "states directly concerned" by stating that the provisions of article 79 of the Charter had been complied with. The Soviet Representative argued that the Charter provisions had not been fulfilled because the "states directly concerned" had not been identified and had not previously agreed to the terms of trusteeship. When the subcommittee failed to reach a fully agreed solution of this problem, the chairman requested the Delegates from the Soviet Union and the United States to undertake consultations in an attempt to find an acceptable answer to the question. The consultations between the two Delegates did not succeed, and consequently the subcommittee took decisions on the preambles of the eight agreements with special regard to the question of "states directly concerned". It approved a proposal of the United States Delegation to the effect that the following statement be included in the report of the Rapporteur:

"Approval of any terms of Trusteeship by this session of the General Assembly should be on the following understanding with respect to 'states directly concerned':

"All Members of the United Nations have had an opportunity to present their views with reference to the terms of Trusteeship now proposed to the General Assembly for approval. There has, however, been no specification by the General Assembly of 'states directly concerned' in relation to the proposed Trust Territories. Accordingly, the General Assembly in approving the terms of Trusteeship

does not prejudge the question of what states are or are not 'directly concerned' within the meaning of Article 79. It recognizes that no state has waived or prejudiced its right hereafter to claim to be such a 'state directly concerned' in relation to approval of subsequently proposed Trusteeship agreements and any alteration or amendment of those now approved, and that the procedure to be followed in the future with reference to such matters may be subject to later determination".

This statement was approved by an overwhelming majority in the full Trusteeship Committee of the General Assembly. Thus the formula by which approval of the trusteeship agreements was secured did not define the states specifically concerned in each trust territory and left the question in regard to areas which may be proposed for trusteeship in the future to be determined at that time. The United States believes that the practice followed by the Assembly in this matter constitutes a useful guide for the future.

The principal objection of the United States to the proposed agreements for the African "B" mandates was to those articles permitting, when in the interest of the inhabitants, the administering authority to establish private monopolies. The views of the United States were met in part when Delegations of the United Kingdom and Belgium agreed to include a specific provision in the agreements to insure that any such monopoly contracts would be granted without discrimination. The French Delegation stated that under French law private monopolies were not permitted at all in such territories. As a further concession, the Delegations of Belgium and the United Kingdom, with the approval of the Committee, included declarations in the Committee Report to the effect that it was the intention of their Governments that:

"(a) The Governments of Belgium and the United Kingdom have no intention of using the grant of private monopolies in Trust Territories as a normal instrument of policy;

"(b) Such private monopolies would be granted only when this was essential in order to enable a particular type of desirable economic development to be undertaken in the interest of the inhabitants;

"(c) In those special cases where such private monopolies were granted they would be granted for limited periods, and would be promptly reported to the Trusteeship Council."

With regard to the question of including in the trusteeship agreements some provision for alteration or amendment in the light of changing circumstances, the Trusteeship Committee recommended,

at the suggestion of the United States, that the General Assembly should instruct the Trusteeship Council:

“(a) to observe whether the Trusteeship agreements which have been approved by the General Assembly operate in fact to achieve the basic objectives of the Trusteeship System; and

“(b) if it is of the opinion that, in the light of changing circumstances and practical experience, some alteration or amendment of any such Trusteeship agreement would promote the more rapid achievement of the basic objectives of the Trusteeship System, to submit such proposed alteration or amendment to the administering authority so that, if agreed on pursuant to Article 79, such alteration or amendment may then be submitted to the General Assembly for approval.”

This recommendation was not acted upon by the General Assembly and remains to be considered at a subsequent session.

The eight trusteeship agreements were adopted by the General Assembly on December 13, 1946 by more than a two-thirds vote over the continued opposition of the Soviet Union and several other Members. The agreements for the Cameroons and Togoland under French mandate were approved by a vote of 41 to 5, with 6 abstentions, while the other six agreements were accepted by a vote of 41 to 6, with 5 abstentions. The United States Delegation voted in favor of all eight agreements. The Soviet Delegation, stressing the principal points of disagreement in the subcommittee and committee debates, contended that the trusteeship agreements violated the Charter because: the “states directly concerned” have never been identified; the agreements make the trust territories an “integral” part of the administering power; and the agreements do not provide for the Security Council’s approval of military arrangements in the trust territories. A motion to reject these agreements on the above grounds was defeated by more than a two-thirds vote in the General Assembly.

Trusteeship Council Organized

The General Assembly, by approving on December 13, 1946 the eight trusteeship agreements submitted by the Governments of Australia, Belgium, France, New Zealand, and the United Kingdom, made possible the organization of the Trusteeship Council. The Charter provides that, in addition to the states administering trust territories, the Trusteeship Council should be composed of the permanent members of the Security Council not administering trust territories (China, the United States, and the Union of Soviet Socialist Republics), and other members elected for three-year terms by the General Assembly as required to have the number of non-administering states equal the number which administer trust territories. On

December 14, 1946 the General Assembly therefore elected two states, Mexico and Iraq, as non-administering members and thus completed the organization of the Trusteeship Council with a total of 10 members. The Soviet Union did not participate in these elections because it considered the trusteeship agreements were contrary to the Charter and therefore did not constitute a legal basis for voting.

The General Assembly adopted a further resolution directing the Secretary-General to convene the first meeting of the Trusteeship Council not later than March 15, 1947. It instructed him to transmit the provisional agenda for this session to each of the 10 members of the Council at least 30 days in advance.

Trusteeship Recommended for South West Africa

The General Assembly also considered a statement made by the Union of South Africa on the administration of South West Africa and on the wishes of its peoples as to the future status of the mandated territory. The report presented by the Union Delegation stated that the majority of the inhabitants of the territory favored its annexation by South Africa. The General Assembly approved a resolution proposed by Denmark, India, and the United States which constituted a rejection of the Union's proposal. The resolution noted with satisfaction that the Union Government recognized the interest and concern of the United Nations in the matter of the future status of territories held under mandate. The General Assembly did not accept as conclusive the Union's report on the opinion of the African inhabitants of South West Africa regarding their future government because the inhabitants, as asserted in the resolution, "have not yet secured political autonomy or reached a stage of political development enabling them to express a considered opinion which the Assembly could recognize on such an important question as incorporation of their territory."

Therefore, the General Assembly recommended that the mandated territory of South West Africa be placed under the international trusteeship system and invited the Government of the Union of South Africa to propose for the consideration of the General Assembly a trusteeship agreement for the aforesaid territory.

Italian Colonies

To date, the only trusteeship agreements which have been approved by the General Assembly are those for territories formerly held under League of Nations mandates. The Charter, however, provides that the system may be applied to other non-self-governing territories, including "territories which may be detached from enemy states as

a result of the Second World War". Pursuant to this provision, the United States proposed at the sessions of the Council of Foreign Ministers that the Italian colonies in Africa be placed under trusteeship and be administered directly by the United Nations through a "neutral" chief administrator appointed by the Trusteeship Council. According to this proposal Libya and Eritrea would receive their independence in 10 years.

The Council of Foreign Ministers, however, could not agree on this problem and therefore decided on July 3, 1946 that the Governments of the United States, the United Kingdom, the Soviet Union, and France would, within one year of the coming into force of the peace treaty with Italy, jointly determine the final disposition of Italy's territorial possessions in Africa, to which by said treaty Italy will renounce all rights and titles. The Council of Foreign Ministers subsequently decided that the final disposition of the territories will be made in the light of the wishes and welfare of the inhabitants and the interests of peace and security, taking into consideration the views of other interested governments. It was further agreed that, in the event of the four powers' being unable to agree to a solution, the matter would be referred to the General Assembly for a recommendation and that the four powers would then put that recommendation into effect.

Korea

At the Cairo conference in December 1943 it was determined that "in due course Korea shall become free and independent". With a view to furthering this objective, the Council of Foreign Ministers at their meeting in Moscow in December 1945 discussed arrangements for Korea. It was agreed that a Joint Commission of the United States and Soviet commands in Korea, after consulting with Korean democratic parties and organizations and with the participation of a provisional Korean democratic government which was to be set up, should submit proposals for the joint consideration of the United States, the Soviet Union, the United Kingdom, and China for the working out of an agreement concerning a four-power trusteeship of Korea for a period of up to five years. The Joint Commission met in Seoul, Korea, on March 20, 1946 but could not agree upon what Korean parties were to be included in consultations with it. Meetings of the Joint Commission were adjourned *sine die* in May 1946 without agreement. The United States, however, still stands ready to carry out the Moscow agreement, including the continuation at any time of the work of the Joint Commission.

Trusteeship of Former Japanese Controlled Islands

The President on November 6, 1946 announced that "the United States is prepared to place under trusteeship, with the United States as administering authority, the Japanese mandated islands and any Japanese islands for which it assumes responsibility as a result of the Second World War". Copies of a draft trusteeship agreement⁴ for the former Japanese mandated islands, which consist of the mandated Marianas, Caroline, and Marshall Islands located in the Pacific north of the Equator, were transmitted for information to the other Members of the Security Council and to New Zealand and the Philippines, and were later made available to the public. The President stated that "at an early date we plan to submit this draft agreement formally to the Security Council for approval".

This draft trusteeship agreement is to be submitted for approval by the Security Council, rather than by the General Assembly, because under its terms the territory shall be designated as strategic. This is in accordance with article 82 of the Charter which provides that "There may be designated, in any trusteeship agreement, a strategic area or areas which may include part or all of the trust territory . . .", and article 83 which states that "All functions of the United Nations relating to strategic areas, including the approval of the terms of the trusteeship agreements . . . shall be exercised by the Security Council".

This draft agreement is the result of long and diligent consideration by the State, War, and Navy Departments. Its terms, while fully protecting the security interests of the United States, pledge at the same time the political, economic, social, and educational advancement of the inhabitants of the territory and otherwise fulfil the international responsibilities of an administering authority of a trust territory as contemplated by the Charter of the United Nations.

The security interests of the United States are protected through designation of the territory as strategic and through specific authorization for the United States to maintain military installations and troops in the territory. The functions of the General Assembly and Trusteeship Council set forth in articles 87 and 88 of the Charter (as to annual reports, questionnaires, petitions, and periodic visits) would, according to the draft terms, be applicable to the trust territory, except that the United States would be authorized to determine the extent of their applicability to any areas which may from time to time be specified by the United States as closed for security reasons. Also of significance is the fact that the agreement, once approved by

⁴ The draft trusteeship agreement is contained in the supplement.

the Security Council and by this Government, cannot be altered, amended, or terminated without the approval of the United States.

These and other security measures do not detract from the detailed provisions in the draft agreement for the political, economic, social, and educational advancement of the inhabitants, and for equal economic treatment to be accorded all other Members of the United Nations in the territory. These provisions not only contain all of the pertinent guaranties to the inhabitants contained in the most comprehensive of the trusteeship agreements submitted by the mandatory powers to the General Assembly but also specify that, without qualification, this Government shall "protect the rights and fundamental freedoms of all elements of the population without discrimination"; that it shall insure to the inhabitants "freedom of migration and movement"; that it shall "provide the status of citizenship of the trust territory for the inhabitants"; and that it shall "enact such legislation as may be necessary to place the provisions of this agreement in effect in the trust territory".

The Security Council, in approving the terms of trusteeship, will require an affirmative vote of seven of its members including the concurring votes of the permanent members. When approved by the Security Council, the agreement, before entering into force, requires approval by the United States in accordance with its constitutional processes.

VI. International Court of Justice



Organization of the Court

ON FEBRUARY 6, 1946, the General Assembly and Security Council elected the 15 judges of the International Court of Justice, including a judge of American nationality, the Honorable Green H. Hackworth, a former Legal Adviser of the Department of State.¹ On February 10, 1946, the General Assembly adopted a resolution directing that a first meeting of the Court be summoned as soon as possible. Pursuant to this resolution, a temporary staff for the Court was appointed by the Secretary-General of the United Nations, and agreements for the use of the Peace Palace at The Hague were negotiated with the Carnegie Foundation by the United Nations Negotiating Committee. These agreements were approved by the General Assembly at the Second Part of its First Session.

The organization of the International Court of Justice was completed during an inaugural session held at The Hague from April 3 to May 6, 1946. At a formal inaugural sitting on April 18, 1946 the judges made in open Court solemn declarations, as required by article 20 of the Statute of the Court, that they would exercise their powers impartially and conscientiously.

During this session the Court elected Judge J. G. Guerrero (El Salvador) as President and Judge J. Basdevant (France) as Vice President. Mr. E. Hambro (Norway) was appointed Registrar and M. J. Garnier-Coignet (France), Deputy Registrar.

During its first session the Court also adopted the Rules of Court, formulated recommendations concerning the privileges and immunities of Court personnel, and dealt with other administrative matters. No question of interpretation by an organ of the United Nations nor a dispute between states was before the Court at that time.

¹ The full list of judges is contained in appendix 2. A discussion of their election is contained in the Report of the Secretary of State on the First Part of the First Session of the General Assembly, submitted to the President of the United States Mar. 1, 1946, transmitted to Congress Mar. 19, 1946.

United States Acceptance of the Jurisdiction of the Court

A Declaration signed by the President of the United States on August 14, 1946, accepting on behalf of this country the compulsory jurisdiction of the International Court of Justice under article 36, paragraph 2, of the Statute of the Court, was deposited with the Secretary-General of the United Nations on August 26, 1946, pursuant to Senate Resolution 196 of the 79th Congress, Second Session. As a result of this action the United States acquires the reciprocal right and obligation as respects other states accepting the same obligation, to proceed legally, or be proceeded against, without special agreement, in disputes of a legal character of specified categories.

The United States Declaration sets forth the limitations on the acceptance of jurisdiction contained in the Senate resolution, most of which are contained in the Charter of the United Nations and the Statute of the Court. In addition, the Declaration incorporates two further limitations added by the Senate. These are, first, that the United States shall have the right to determine whether any case falls within its domestic jurisdiction, and second, that the Declaration shall not apply to disputes involving multilateral treaties unless all the parties to the treaty affected by the decision are also parties to the case before the Court, or the United States specially agrees to jurisdiction. Subject to these conditions, the United States has now accepted the jurisdiction of the Court in all legal disputes falling within the categories set forth in article 36, paragraph 2, of the Statute. These are:

- (a) the interpretation of a treaty;
- (b) any question of international law;
- (c) the existence of any fact which, if established, would constitute a breach of an international obligation;
- (d) the nature or extent of the reparation to be made for the breach of an international obligation.

In the absence of the acceptance of such general jurisdiction, the possibility of referring any case to the Court would depend upon the willingness of the parties to a dispute to conclude a special agreement in each case, or upon provisions in treaties or conventions in force. By refusing to enter into such an agreement, in cases where there was no applicable treaty provision, a state could, in effect, remain the judge of the law in its own case.

The United States, by accepting the jurisdiction of the Court in specified categories of legal cases, has terminated this situation so far

as it is concerned and has given its participation and support to the movements for establishing general world-wide acceptance of compulsory jurisdiction of the International Court of Justice. In taking this action the United States has followed the recommendation of the San Francisco conference that the Members of the United Nations make declarations as soon as possible accepting the compulsory jurisdiction of the Court.

The initiative for United States acceptance came from the Congress and was taken pursuant to Senate Resolution 196 of the 79th Congress, Second Session, by which the Senate, two thirds of the Senators present concurring, gave its advice and consent.

The President and the Secretary of State fully supported the acceptance of jurisdiction, and the Acting Secretary of State and the Legal Adviser of the Department of State testified in favor thereof. Such action was warmly supported by numerous associations and individuals who appeared or presented statements at the hearings on the Resolution.

In depositing the Declaration, the Honorable Herschel V. Johnson, Acting United States Representative to the United Nations, stated:

“One of the most elemental functions of the United Nations in the preservation of world peace is the development of procedures of pacific settlement. In these procedures, the role and function of law is clear. We feel that international law is already sufficiently developed to serve as a guide and basis in international relations. We feel further that the best way of assuring its further development, and the only way of enabling it to fulfill its function, is by referring to a responsible international tribunal all disputes properly justiciable by such a tribunal.

“We accordingly look forward to a great development of the rule of law in international relations through a broad acceptance of the function of the Court in the spirit of the Charter.”

New Parties to Statute

The four states which became new Members of the United Nations during the Second Part of the First Session of the General Assembly also automatically became parties to the Statute of the International Court of Justice. In addition, Switzerland made inquiry of the United Nations on October 26, 1946 as to the conditions under which she might become a party to the Statute of the Court while remaining a non-member of the United Nations. Under article 93, paragraph 2, of the Charter such conditions are to be determined in each case by

the General Assembly on the recommendation of the Security Council. Acting pursuant to this article, the Security Council recommended, and the General Assembly approved, the following conditions for Switzerland:

"Switzerland will become a party to the Statute on the date of the deposit with the Secretary-General of the United Nations of an instrument, signed on behalf of the Government of Switzerland and ratified as may be required by Swiss constitutional law, containing:

- "(a) Acceptance of the provisions of the Statute of the International Court of Justice;
- "(b) Acceptance of all the obligations of a Member of the United Nations under Article 94 of the Charter; and
- "(c) An undertaking to contribute to the expenses of the Court such equitable amount as the General Assembly shall assess from time to time after consultation with the Swiss Government."

Access of Non-Member States to Court

The International Court of Justice, during its first session and while engaged in drafting its rules of procedure, had occasion to make inquiry of the Security Council as to the conditions under which states other than parties to the Statute may appear before the Court. Article 35 of the Statute of the Court provides that the Court shall be open to parties to the Statute, and that "The conditions under which the Court shall be open to other states shall . . . be laid down by the Security Council . . ." The Security Council referred this question to its Committee of Experts.

In this Committee the United States favored a proposal that the Security Council adopt a resolution along the lines of the League of Nations Council Resolution of May 17, 1922, laying down general conditions under which any non-member state might obtain access to the Court. The United States opposed a proposal that certain states be excluded from the Court, taking the position that the Court was a judicial organ and that access to it should not be curtailed for political reasons. This position prevailed.

Under the resolution adopted by the Security Council on the proposal of the Committee of Experts, the Court shall be open to a state not a party to the Statute upon the filing by such state of a declaration accepting the jurisdiction of the Court in accordance with the Charter, the Statute, and Rules of the Court, upon undertaking to comply in good faith with the Court's decisions, and upon accepting

the obligation of a Member of the United Nations under article 94 of the Charter. Declarations filed under this resolution may be for a particular case or cases or may be general. General declarations may also accept the Court's compulsory jurisdiction in accordance with article 36, paragraph 2, of the Statute but would not have jurisdictional effect *vis-a-vis* states parties to the Statute in the absence of explicit agreement on the part of such states.

VII. United States Representation in the United Nations



THE UNITED STATES is represented at the headquarters of the United Nations by a permanent Delegation whose structure is determined by the United Nations Participation Act and whose relationship to the Department of State resembles that of a large United States Embassy. At its head is the United States Representative to the United Nations, who holds the rank of Ambassador and serves also as United States Representative in the Security Council.

He has a Deputy who represents him on the Security Council in his absence. The United States Representatives to the Economic and Social Council and the Trusteeship Council are also members of the permanent Delegation.

Under the general supervision of the United States Representative to the United Nations, the Representatives of this country in the Councils and Commissions carry out the policies of the United States, on behalf of the President and the Secretary of State.

In addition to the civilian members of the permanent Delegation, deputies appointed by and responsible to the Joint Chiefs of Staff represent the United States on the Military Staff Committee.

The Delegation has a small permanent staff of advisers and assistants. Special advisers are temporarily assigned from time to time by the Department of State or other Government agencies to assist the Representatives during sessions of the Councils and Commissions.

The Security Council and Military Staff Committee are so organized as to be able to function continuously. The Economic and Social Council holds three regular sessions a year and such special sessions as are required. The Trusteeship Council has not yet organized itself.

The United States is represented in the General Assembly by five Representatives and an appropriate number of Alternates, who serve for the duration of the session and are appointed by and with the advice and consent of the Senate.

The Participation Act specifically provides that nothing in its terms shall preclude the President or the Secretary of State from represent-

ing the United States at any meeting of any organ or agency of the United Nations.

The cost of United States representation in the United Nations is met by an appropriation to the Department of State.

United States Representatives in the organs of the United Nations and specialized intergovernmental agencies are as follows:

THE UNITED NATIONS

United States Representative:

Mr. Edward R. Stettinius, Jr. (resigned June 3, 1946)

Mr. Herschel V. Johnson (acting, June 3, 1946, to January 13, 1947)

Mr. Warren R. Austin

The General Assembly

FIRST PART OF THE FIRST SESSION—London, England
January 10—February 14, 1946

Representatives:

Secretary of State James F. Byrnes, Senior Representative

Mr. Edward R. Stettinius, Jr.

Senator Tom Connally

Senator Arthur H. Vandenberg

Mrs. Franklin D. Roosevelt

Alternate Representatives:

Representative Sol Bloom

Representative Charles A. Eaton

Mr. Frank Walker

Mr. John G. Townsend, Jr.

Mr. John Foster Dulles

SECOND PART OF THE FIRST SESSION—New York, New York
October 23—December 16, 1946

Representatives:

Mr. Warren R. Austin, Senior Representative

Senator Tom Connally

Senator Arthur H. Vandenberg

Mrs. Franklin D. Roosevelt

Representative Sol Bloom

Alternate Representatives:

Representative Charles A. Eaton

Representative Helen Gahagan Douglas

Mr. John Foster Dulles
Mr. Adlai E. Stevenson

The Security Council

United States Representative:

Mr. Edward R. Stettinius, Jr. (resigned June 3, 1946)
Mr. Herschel V. Johnson (acting, June 3, 1946 to January 13, 1947)
Mr. Warren R. Austin

Deputy United States Representative:

Mr. Herschel V. Johnson

The Military Staff Committee

United States Representatives:

General George C. Kenney, Army Air Forces, Senior Representative (January 1 to October 1, 1946)
Admiral Richmond K. Turner, U. S. Navy, Senior Representative (beginning October 1, 1946)
General Joseph T. McNarney, Army Air Forces, Senior Representative (appointment announced January 6, 1947)
Lieutenant General Harold L. George, Army Air Forces (September 20 to November 8, 1946)
Lieutenant General Matthew B. Ridgway, U. S. Army
Brigadier General Charles P. Cabell, Army Air Forces (acting)

The Atomic Energy Commission

United States Representative:

Mr. Bernard M. Baruch (resigned January 4, 1947)
Mr. Warren R. Austin

The Economic and Social Council

United States Representative:

Mr. John G. Winant (resigned December 19, 1946)

Deputy United States Representative:

Mr. Leroy D. Stinebower

The Trusteeship Council

United States Representative:

Mr. Francis B. Sayre (nomination sent to Senate)

*Commissions of the Economic and Social Council and
Representatives From the United States Appointed
Thereto*

Narcotics	Mr. Harry J. Anslinger
Economic and Employment	Mr. Isador Lubin
Transport and Communications	Mr. George P. Baker
Statistical	Mr. Stuart A. Rice
Fiscal	Mr. Edward F. Bartelt
Human Rights	Mrs. Franklin D. Roosevelt
Social	Mr. Arthur J. Altmeyer
Status of Women	Miss Dorothy Kenyon
Population	Mr. Philip M. Hauser

*United States Representatives or Members on Governing
Bodies of Specialized Intergovernmental Agencies
Connected With the United Nations*

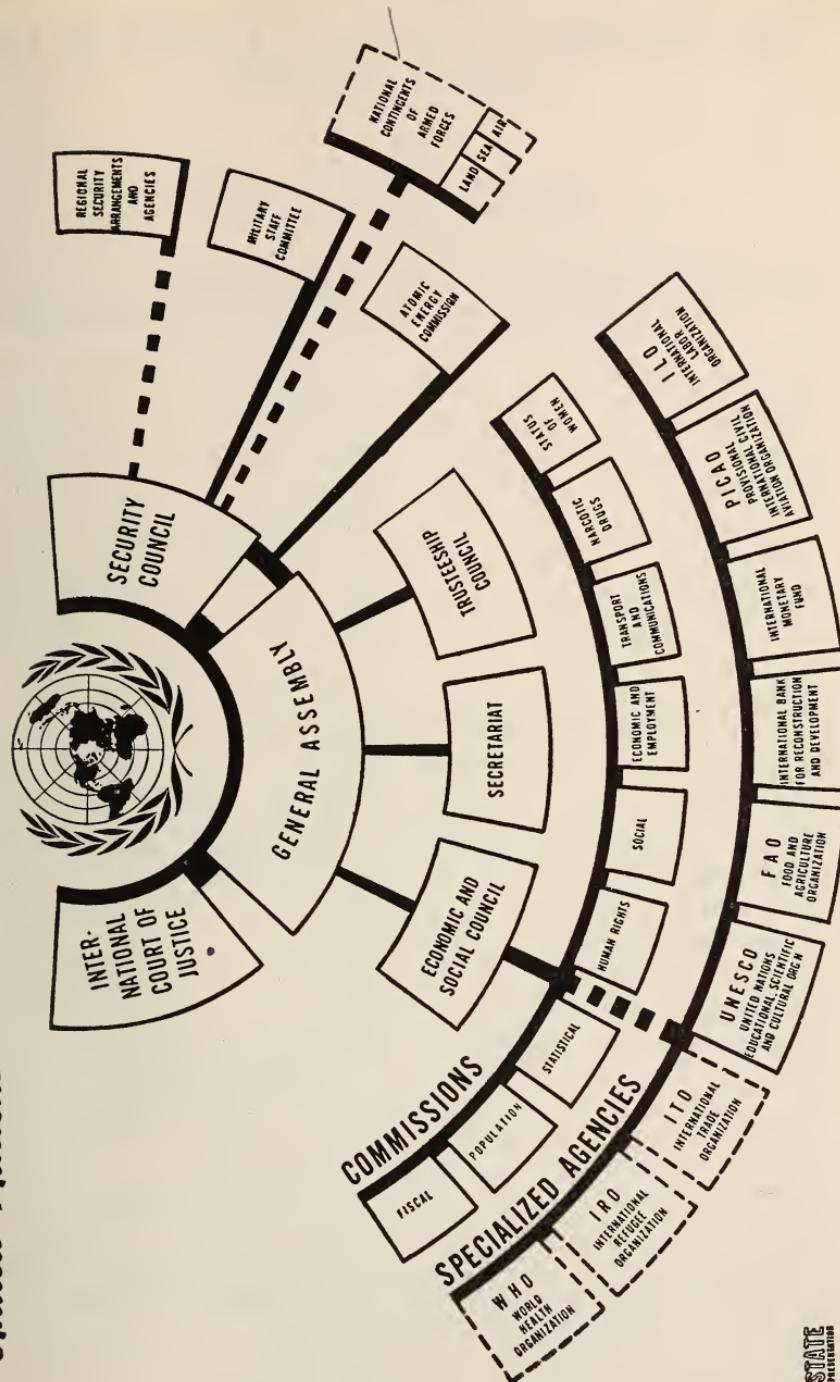
Food and Agriculture Organization of the United Nations	Mr. Leslie A. Wheeler, ¹ Member of Executive Committee
International Bank for Reconstruction and Development	Mr. John Snyder, Secretary of the Treasury; U. S. Representative on the Board of Governors
International Labor Office	Mr. Emilio G. Collado, Executive Director
International Monetary Fund	Mr. David A. Morse, Assistant Secretary of Labor; U. S. Government Representative on the Governing Body
	Mr. J. David Zellerbach, U. S. Employers' Representative on the Governing Body
	Mr. Robert J. Watt, U. S. Workers' Representative on the Governing Body
	Mr. John Snyder, Secretary of the Treasury; U. S. Representative on the Board of Governors
	Mr. Harry D. White, Executive Director

¹ Appointed by the Organization itself.

Provisional International Civil Aviation Organization	General L. S. Kuter, U. S. Representative on the Interim Council
United Nations Educational, Scientific and Cultural Organization	Mr. Archibald MacLeish, ¹ Member of the Executive Board
World Health Organization	Dr. Thomas Parran, Surgeon General, U. S. Public Health Service; U. S. Representative on the Interim Commission

¹ Appointed by the Organization itself.

The United Nations



Membership of Principal Organs of the United Nations



The General Assembly

The General Assembly consists of representatives of all states Members of the United Nations. As of December 31, 1946 these states were:

Afghanistan ¹	Lebanon
Argentina	Liberia
Australia	Luxembourg
Belgium	Mexico
Bolivia	Netherlands
Brazil	New Zealand
Byelorussian Soviet Socialist Republic	Nicaragua
Canada	Norway
Chile	Panama
China	Paraguay
Colombia	Peru
Costa Rica	Poland
Cuba	Republic of the Philippines
Czechoslovakia	Saudi Arabia
Denmark	Siam ²
Dominican Republic	Sweden ¹
Ecuador	Syria
Egypt	Turkey
El Salvador	Ukrainian Soviet Socialist Republic
Ethiopia	Union of South Africa
France	Union of Soviet Socialist Republics
Greece	United Kingdom of Great Britain and Northern Ireland
Guatemala	United States of America
Haiti	Uruguay
Honduras	Venezuela
Iceland ¹	Yugoslavia
India	
Iran	
Iraq	

¹ Admitted Nov. 19, 1946.

² Admitted Dec. 15, 1946.



The Security Council

PERMANENT MEMBERS:

China
France
Union of Soviet Socialist Republics —
United Kingdom of Great Britain and Northern Ireland —
United States

NON-PERMANENT MEMBERS:³

Term Expires December 31, 1948:

Belgium
Colombia
Syria

Term Expires December 31, 1947:

Australia
Brazil
Poland

The Economic and Social Council⁴

TERM EXPIRES DECEMBER 31, 1949:

Byelorussian Soviet Socialist Republic
Lebanon⁵
New Zealand
Turkey
United States⁵
Venezuela

TERM EXPIRES DECEMBER 31, 1948:

Canada
Chile
China
France

³ Three non-permanent members are elected each year for terms of two years. At the first election of the non-permanent members Egypt, Mexico, and the Netherlands were elected for a special initial term of one year; their terms expired Dec. 31, 1946.

⁴ Six members are elected each year for a term of three years. At the first election the following states were elected for the special initial term of one year: Colombia, Greece, Lebanon, Ukrainian Soviet Socialist Republic, United States, and Yugoslavia.

⁵ Re-elected at Second Part of First Session of the General Assembly to normal term of three years.

Netherlands⁶

Peru

TERM EXPIRES DECEMBER 31, 1947:⁷

Cuba

Czechoslovakia

India

Norway

Union of Soviet Socialist Republics

United Kingdom of Great Britain and Northern Ireland

The Trusteeship Council

STATES ADMINISTERING TRUST TERRITORIES:

Australia

Belgium

France

New Zealand

United Kingdom

STATES NOT ADMINISTERING TRUST TERRITORIES:

Members by Virtue of Being Permanent Members of the Security Council:

China

Union of Soviet Socialist Republics

United States

Elected at Second Part of First Session of the General Assembly to Three-Year Term Expiring December 31, 1949:

Iraq

Mexico

⁶ Elected at Second Part of First Session of the General Assembly to unexpired term of Belgium, which resigned.

⁷ Elected at First Part of First Session of the General Assembly to the special initial term of two years.

*The International Court of Justice*⁸

TERM EXPIRES 1955:

M. Jules Basdevant (France)
H. E. Dr. José Gustavo Guerrero (El Salvador)
Sir Arnold Duncan McNair (United Kingdom)
Dr. Alejandro Alvarez (Chile)
Dr. José Philadelpho de Barros Azevedo (Brazil)

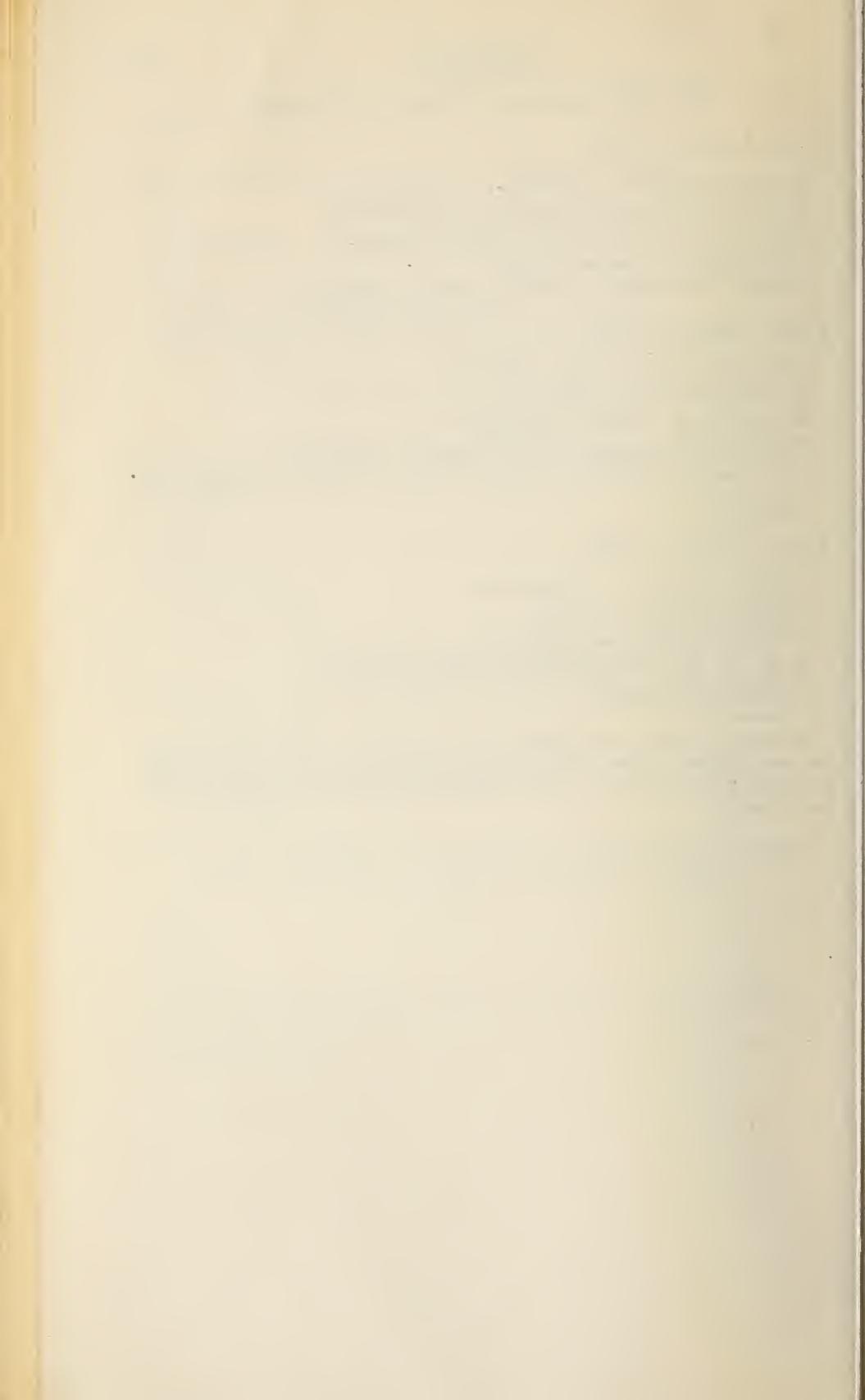
TERM EXPIRES 1952:

Lic. Isidro Fabela Alfaro (Mexico)
Dr. Helge Klaestad (Norway)
M. Charles de Visscher (Belgium)
Mr. Green Hackworth (United States of America)
Prof. Sergei Borisovich Krylov (Union of Soviet Socialist Republics)

TERM EXPIRES 1949:

Dr. Milovan Zoricic (Yugoslavia)
Mr. John E. Read (Canada)
Dr. Bogdan Winiarski (Poland)
H. E. Dr. Abdel Hamid Badawi Pasha (Egypt)
Dr. Hsu Mo (China)

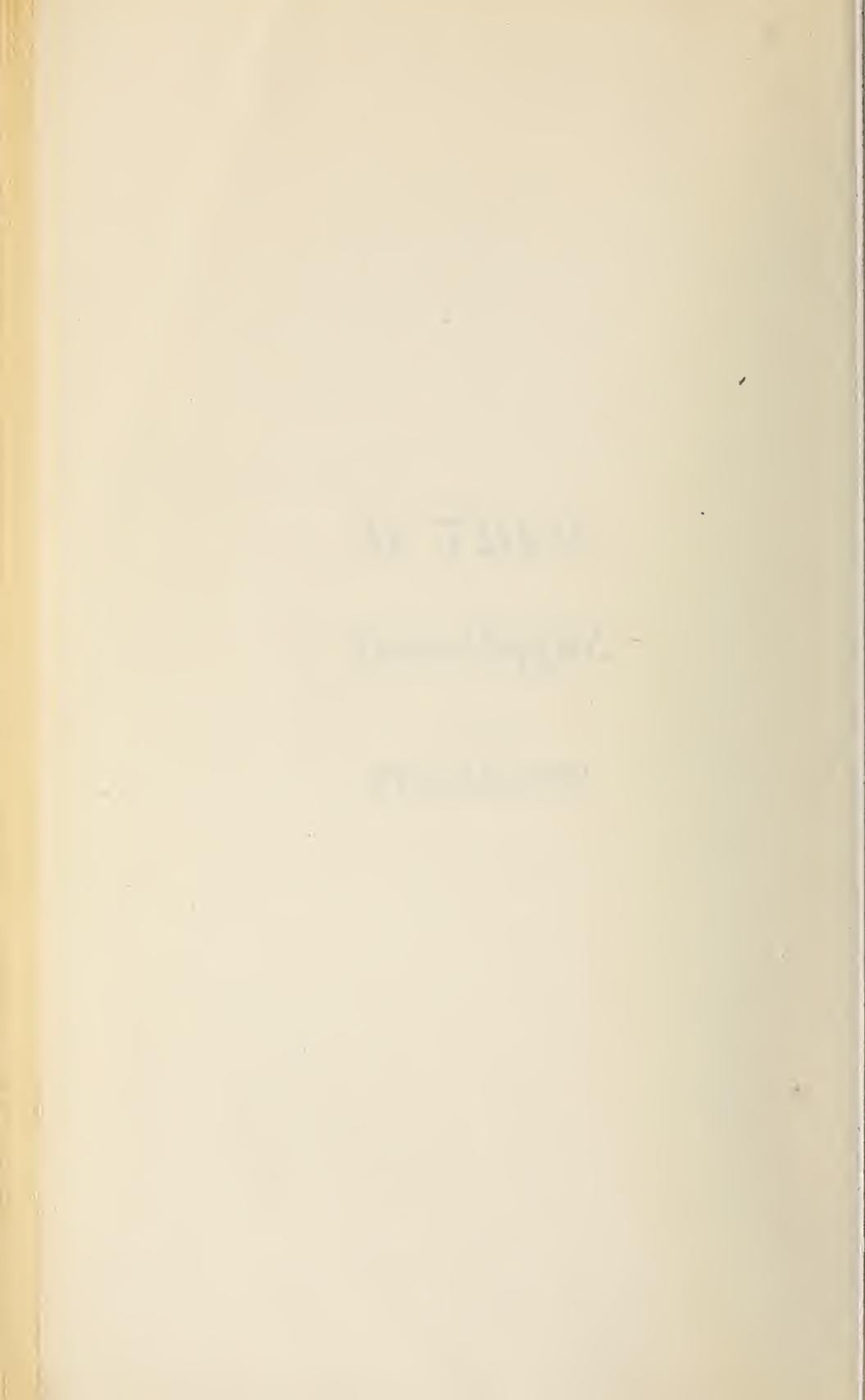
⁸ Following election of the Judges, lots were drawn to determine the three-, six-, and nine-year terms of office of the members of the Court under art. 13 of the Statute of the Court. Future elections will be for the normal nine-year term of office.



PART II

Supplement

DOCUMENTS



1. Major Resolutions Adopted at the Second Part of the First Session of the General Assembly



Principles Governing the General Regulation and Reduction of Armaments

[In this resolution the General Assembly recommends that the Security Council consider the formulation of practical measures for the general regulation and reduction of armaments and armed forces and that it expedite steps toward the prohibition of the major weapons of mass destruction and the control of atomic energy. The resolution includes certain accepted principles to be observed in the course of these activities. It also contains recommendations with respect to the withdrawal of armed forces stationed outside the territories of the nations under whose flags they are serving and with respect to the allocation of armed forces for security purposes under article 43 of the Charter. Action by the General Assembly on the problem of the regulation of armaments was originally suggested by the U. S. S. R., but the final resolution, which is based on a draft submitted by the United States, represents the work of a special subcommittee of 20 members including the United States. The General Assembly adopted the resolution by unanimous vote on December 14, 1946.]

1. In pursuance of Article 11 of the Charter and with a view to strengthening international peace and security in conformity with the Purposes and Principles of the United Nations,

THE GENERAL ASSEMBLY,

RECOGNIZES the necessity of an early general regulation and reduction of armaments and armed forces.

2. Accordingly,

THE GENERAL ASSEMBLY,

RECOMMENDS that the Security Council give prompt consideration to formulating the practical measures, according to their priority, which are essential to provide for the general regulation and reduction of armaments and armed forces and to assure that such regulation and reduction of armaments and armed forces will be generally observed by all participants and not unilaterally by only some of the participants.

The plans formulated by the Security Council shall be submitted by the Secretary-General to the Members of the United Nations for consideration at a special session of the General Assembly. The treaties or conventions approved by the General Assembly shall be submitted to the signatory States for ratification in accordance with Article 26 of the Charter.

3. As an essential step towards the urgent objective of prohibiting and eliminating from national armaments atomic and all other major weapons adaptable now and in the future to mass destruction, and the early establishment of international control of atomic energy and other modern scientific discoveries and technical developments to ensure their use only for peaceful purposes,

THE GENERAL ASSEMBLY,

URGES the expeditious fulfilment by the Atomic Energy Commission of its terms of reference as set forth in Section 5 of the General Assembly Resolution of 24 January 1946.

4. In order to ensure that the general prohibition, regulation and reduction of armaments are directed towards the major weapons of modern warfare and not merely towards the minor weapons,

THE GENERAL ASSEMBLY,

RECOMMENDS that the Security Council expedite consideration of the reports which the Atomic Energy Commission will make to the Security Council and that it facilitate the work of that Commission, and also that the Security Council expedite consideration of a draft convention or conventions for the creation of an international system of control and inspection, these conventions to include the prohibition of atomic and all other major weapons adaptable now and in the future to mass destruction and the control of atomic energy to the extent necessary to ensure its use only for peaceful purposes.

5. THE GENERAL ASSEMBLY,

FURTHER RECOGNIZES that essential to the general regulation and reduction of armaments and armed forces is the provision of practical and effective safeguards by way of inspection and other means to protect complying States against the hazards of violations and evasions. Accordingly,

THE GENERAL ASSEMBLY,

RECOMMENDS to the Security Council that it give prompt consideration to the working out of proposals to provide such practical and effective safeguards in connection with the control of atomic energy and the general regulation and reduction of armaments.

6. To ensure the adoption of measures for the early general regulation and reduction of armaments and armed forces, for the prohibition of the use of atomic energy for military purposes and the elimination from national armaments of atomic and all other major weapons adaptable now or in the future to mass destruction, and for the control of atomic energy to the extent necessary to ensure its use only for peaceful purposes,

THERE SHALL BE ESTABLISHED,

within the framework of the Security Council, which bears the primary responsibility for the maintenance of international peace and security, an international system, as mentioned in paragraph 4, operating through special organs, which organs shall derive their powers and status from the convention or conventions under which they are established.

7. **THE GENERAL ASSEMBLY**, regarding the problem of security as closely connected with that of disarmament,

RECOMMENDS the Security Council to accelerate as much as possible the placing at its disposal of the armed forces mentioned in Article 43 of the Charter;

IT RECOMMENDS the Members to undertake the progressive and balanced withdrawal, taking account of the needs of occupation, of their armed forces stationed in ex-enemy territories, and the withdrawal without delay of armed forces stationed in the territories of Members without their consent freely and publicly expressed in treaties or agreements consistent with the Charter and not contradicting international agreements;

IT FURTHER RECOMMENDS a corresponding reduction of national armed forces, and a general progressive and balanced reduction of national armed forces.

8. Nothing herein contained shall alter or limit the resolution of the General Assembly passed on 24 January 1946, creating the Atomic Energy Commission.

9. **THE GENERAL ASSEMBLY**,

CALLS upon all Members of the United Nations to render every possible assistance to the Security Council and the Atomic Energy Commission in order to promote the establishment and maintenance of international peace and collective security with the least diversion for armaments of the world's human and economic resources.

Voting Procedure in the Security Council

{This resolution requests the permanent members of the Security Council to seek to insure that the use of their special voting privileges does not impede the Council in reaching decisions promptly, and recommends that the Security Council adopt practices and procedures which will assist in this endeavor. Both Australia and Cuba placed this problem on the agenda of the General Assembly, and the resolution adopted is a modified version of an Australian proposal. The Assembly approved the resolution on December 13, 1946, by 36 votes against 6, with 9 abstentions. The United States voted in the affirmative.}

THE GENERAL ASSEMBLY,

MINDFUL of the purposes and principles of the Charter of the United Nations, and having taken notice of the divergencies which have arisen in regard to the application and interpretation of Article 27 of the Charter:

EARNESTLY REQUESTS the permanent members of the Security Council to make every effort, in consultation with one another and with fellow members of the Security Council, to ensure that the use of the special voting privilege of its permanent members does not impede the Security Council in reaching decisions promptly;

RECOMMENDS to the Security Council the early adoption of practices and procedures, consistent with the Charter, to assist in reducing the difficulties in the application of Article 27 and to ensure the prompt and effective exercise by the Security Council of its functions; and

FURTHER RECOMMENDS that, in developing such practices and procedures, the Security Council take into consideration the views expressed by Members of the United Nations during the second part of the first session of the General Assembly.

Relations Between Spain and the United Nations

{In this resolution the General Assembly recommends that the Franco Government be barred from membership in international agencies established by or brought into relationship with the United Nations, and that Members recall their ambassadors and ministers plenipotentiary from Madrid. The United States abstained in the vote on one paragraph in the resolution suggesting that the Security Council consider measures to be taken to remedy the Spanish situation if a democratic Spanish Government is not established within a reasonable time. This paragraph was approved by a vote of 29 to 8, with 11 abstentions. The resolution as a whole was adopted on December 12, 1946, 34 to 6, with 13 abstentions, the United States voting for the resolution.}

The peoples of the United Nations, at San Francisco, Potsdam and London condemned the Franco regime in Spain and decided that as long as that regime remains, Spain may not be admitted to the United Nations.

The General Assembly, in its resolution of 9 February 1946, recommended that the Members of the United Nations should act in accordance with the letter and the spirit of the declarations of San Francisco and Potsdam.

The peoples of the United Nations assure the Spanish people of their enduring sympathy and of the cordial welcome awaiting them when circumstances enable them to be admitted to the United Nations.

The General Assembly recalls that in May and June 1946, the Security Council conducted an investigation of the possible further action to be taken by the United Nations. The Sub-Committee of the Security Council charged with the investigation found unanimously:

“(a) In origin, nature, structure and general conduct, the Franco regime is a Fascist regime patterned on, and established largely as a result of aid received from Hitler’s Nazi Germany and Mussolini’s Fascist Italy.

“(b) During the long struggle of the United Nations against Hitler and Mussolini, Franco, despite continued Allied protests, gave very substantial aid to the enemy Powers. First, for example, from 1941 to 1945, the Blue Infantry Division, the Spanish Legion of Volunteers and the Salvador Air Squadron fought against Soviet Russia on the Eastern front. Second, in the summer of 1940, Spain seized Tangier in breach of international statute, and as a result of Spain maintaining a large army in Spanish Morocco large numbers of Allied troops were immobilized in North Africa.

“(c) Incontrovertible documentary evidence establishes that Franco was a guilty party with Hitler and Mussolini in the conspiracy to wage war against those countries which eventually in the course of the world war became banded together as the United Nations. It was part of the conspiracy that Franco’s full belligerency should be postponed until a time to be mutually agreed upon.”

THE GENERAL ASSEMBLY,

CONVINCED that the Franco Fascist Government of Spain, which was imposed by force upon the Spanish people with the aid of the Axis Powers and which gave material assistance to the Axis Powers in the war, does not represent the Spanish people, and by its continued control of Spain is making impossible the participation of the Spanish people with the peoples of the United Nations in international affairs;

RECOMMENDS that the Franco Government of Spain be debarred from membership in international agencies established by or brought

into relationship with the United Nations, and from participation in conference or other activities which may be arranged by the United Nations or by these agencies, until a new and acceptable government is formed in Spain.

FURTHER DESIRING to secure the participation of all peace-loving peoples, including the people of Spain, in the community of nations,

RECOMMENDS that if, within a reasonable time, there is not established a government which derives its authority from the consent of the governed, committed to respect freedom of speech, religion and assembly and to the prompt holding of an election in which the Spanish people, free from force and intimidation and regardless of party, may express their will, the Security Council consider the adequate measures to be taken in order to remedy the situation;

RECOMMENDS that all Members of the United Nations immediately recall from Madrid their ambassadors and ministers plenipotentiary accredited there.

THE GENERAL ASSEMBLY FURTHER RECOMMENDS that the States Members of the Organization report to the Secretary-General and to the next session of the Assembly what action they have taken in accordance with this recommendation.

Treatment of Indians in the Union of South Africa

[This resolution requests the Government of India and the Government of the Union of South Africa to report at the next session of the General Assembly the measures adopted to assure that the treatment of Indians in the Union of South Africa is in conformity with the international obligations under the agreements concluded between the two Governments and with the Charter. The resolution was adopted by the General Assembly on December 8, 1946 by a vote of 32 to 15, with 7 abstentions. The United States voted in the negative, favoring instead a proposal to refer the question whether any international obligations were involved to the International Court of Justice for an advisory opinion. An amendment to this effect failed to receive the necessary majority in the General Assembly.]

THE GENERAL ASSEMBLY,

HAVING taken note of the application made by the Government of India regarding the treatment of Indians in the Union of South Africa, and having considered the matter:

1. STATES that, because of that treatment, friendly relations between the two Member States have been impaired, and unless a satis-

factory settlement is reached, these relations are likely to be further impaired;

2. Is of the opinion that the treatment of Indians in the Union should be in conformity with the international obligations under the agreements concluded between the two Governments and the relevant provisions of the Charter;

3. THEREFORE REQUESTS the two Governments to report at the next session of the General Assembly the measures adopted to this effect.

World Shortage of Cereals and Other Foodstuffs

[This resolution requests the Members to take certain steps to alleviate world food shortages in 1947 and to facilitate the equitable allocation and prompt distribution of available food supplies. The General Assembly unanimously approved the resolution on December 11, 1946.]

At its thirty-third plenary meeting on 14 February 1946, the General Assembly adopted a resolution urging action both directly by Governments and through the international organizations concerned, to alleviate the anticipated serious shortage of bread-grains and rice.

The General Assembly has learned with satisfaction of the extent to which the position in 1946 was improved, particularly with respect to bread-grains, by the common effort of the United Nations, thus saving millions of lives during the critical months before the 1946 harvest.

The General Assembly recognizes, however, that the food situation is still unsatisfactory. A number of countries have not yet overcome the devastating results of the enemy occupation to which they were subjected and are obliged on this account to continue emergency imports of grains, fats and other foodstuffs. A severe shortage of these foodstuffs exists in many European countries, even in some of those which before the war were themselves exporters. In a number of countries of Asia the shortage of cereals and other foodstuffs has led to undernourishment and even famine, resulting in heavy loss of human lives, as in the case of India and China. There is also a widespread shortage of livestock.

The General Assembly notes, moreover, that in 1945 and 1946 some countries of Europe and Asia were affected by drought and bad harvest, resulting in still further deterioration of their food situation. Some countries which were not under enemy occupation have even introduced bread rationing for the first time, for instance, the United Kingdom. In addition, some countries of Latin America are experiencing food shortages and are obliged to import grain.

The General Assembly has learned with concern that expected supplies of bread-grains, rice, fats and oils, dairy products, meat and sugar appear to be substantially inadequate to meet minimum requirements for human consumption in 1947. Many countries, especially those which have suffered from enemy occupation and those which do not produce sufficient foodstuffs to meet their own requirements, need agricultural supplies such as machinery, implements, fertilizers, pesticides and seeds.

In addition, international payment difficulties on the part of certain importing countries, as well as transport and other difficulties, threaten to prevent the utilization of such food supplies as may be available. At the same time, there is a tendency in some countries to reduce the areas under cultivation of cereals and other foodstuffs, which may cause unwarranted price increases and still further aggravate the food situation. Inflationary prices, and other price factors, in many cases constitute another obstacle to the production and distribution of food supplies to those in need.

THEREFORE

THE GENERAL ASSEMBLY

URGES the Governments and international agencies concerned to adopt or continue measures designed to overcome the deficit during 1947 in bread-grains, rice, fats and oils, dairy products, meat and sugar and to achieve the equitable allocation and prompt distribution of the available supplies free from political considerations, and in particular

RECOMMENDS

1. Food producing countries to take all practicable steps
 - (a) to increase the output and collection of foodstuffs to the maximum extent;
 - (b) to prevent reduction and encourage an increase of areas under grain cultivation;
 - (c) to improve transportation facilities for cereals and other foodstuffs;
 - (d) to increase exports to countries suffering from a shortage of foodstuffs;
 - (e) to continue and strengthen international efforts and machinery with a view to utilizing exportable food supplies with due consideration for the urgency of the food requirements in the needy countries;
 - (f) to take measures against any unwarranted increase in the price of grain and other foodstuffs, especially such as would be detrimental to the interests of consumers and would mainly favor speculative interests without resulting in any real advantages to the farming population.

2. Countries which are largely industrial and produce transportation equipment, agricultural implements, machinery, spare parts and supplies for the construction of workshops for manufacturing and repairing the essential categories of such materials, or which produce fertilizers, pesticides, seeds, and animal feeding stuffs, to take all appropriate and practicable measures for expanding production, increasing export, and facilitating transportation of such supplies to countries in urgent need of them, and for facilitating the construction in these countries of small factories and workshops for the manufacture and repair of the most essential agricultural machines, implements and spare parts, for increasing food production.

3. All countries to carry out as far as practicable appropriate and necessary measures to regulate consumption, including the maintenance of high extraction rates, the dilution of flour, restrictions on usage of bread-grains for beverages and other non-essential purposes, and restrictions on the feeding of bread-grains to animals.

4. Governments and international agencies concerned to continue and expand publication of the fullest possible information on supplies and requirements of foodstuffs and materials mentioned in paragraphs 1 and 2 above and on action taken to carry out the recommendations contained in this resolution in order that future action may be guided by full knowledge of the relevant facts.

5. That attention continue to be given to the need for measures necessary to enable importing countries to overcome international payment difficulties in order that the above recommendations may be rendered effective in improving the food situation.

Relief Needs After the Termination of UNRRA

[In this resolution the General Assembly recognizes that certain countries will continue to require assistance in 1947 to provide for imports of food and other basic essentials; establishes a special Technical Committee composed of financial and foreign trade experts to determine by January 15, 1947 the amount of financial assistance required for relief purposes in 1947, and calls upon Members of the United Nations to assist in the furnishing of relief when and where needed during the year. The resolution was unanimously adopted by the General Assembly on December 11, 1946.]

THE GENERAL ASSEMBLY,

TAKING NOTE of the UNRRA Council Resolution (No. 100) of 16 August 1946, and of the related resolution adopted by the Economic and Social Council of 3 October 1946;

RECOGNIZING that certain countries will need financial assistance in 1947 to provide for imports of food and other basic essentials of life;

TAKING NOTE that this need for assistance may not, in all cases, be entirely met by international institutions and other public and private agencies available for this purpose;

RECOGNIZING that, in some countries, if such assistance is not provided, there will be hunger, privation and suffering during the winter, spring and early summer of next year;

TAKING NOTE of the urgent necessity of meeting this residual relief need promptly, and of the expressed willingness of Members of the United Nations to do their part in attaining this end;

RECOGNIZING the desirability of meeting this need without wasteful duplication of effort;

CONSIDERING that one of the purposes of the United Nations is to be a center for harmonizing the actions of nations in the attainment of their common ends, including international cooperation in solving international problems of an economic and humanitarian character;

REAFFIRMING the principle that at no time should relief supplies be used as a political weapon, and that no discrimination should be made in the distribution of relief supplies because of race, creed, or political beliefs;

1. ESTABLISHES a Special Technical Committee whose functions shall be:

(a) to study the minimum import requirements of the basic essentials of life, particularly food and supplies for agricultural production of countries which the Committee believes might require assistance in the prevention of suffering or of economic retrogression which threatens the supply of these basic essentials;

(b) to survey the means available to each country concerned to finance such imports;

(c) to report concerning the amount of financial assistance which it believes may be required in the light of (a) and (b) above.

2. DECIDES that the Committee shall consist of 10 experts in the field of finance and foreign trade to be designated by the Governments of Argentina, Brazil, Canada, China, Denmark, France, Poland, United Kingdom, United States of America, and Union of Soviet Socialist Republics to serve in their individual capacities and not as representatives of the Governments by which they are designated; and urges each Government to select a person of outstanding competence to serve on the Committee.

3. DIRECTS the Secretary-General to transmit to the Committee the information called for in the third paragraph of the above-mentioned resolution of the Economic and Social Council.

4. DIRECTS the Committee to submit its report to the Secretary-General for submission to Member Governments as soon as possible, but in any event not later than 15 January 1947.

5. CALLS UPON all Members of the United Nations to assist in the furnishing of relief when needed and where needed during the ensuing year, by developing their respective programs with the greatest possible speed and, in appropriate cases, by extending special credit facilities to the needy countries.

6. RECOMMENDS that all Members of the United Nations keep the Secretary-General informed concerning their plans for assisting in meeting relief needs in 1947, and concerning the progress of their relief activities in this respect.

7. DIRECTS the Secretary-General

(a) to make available to all Members of the United Nations the information received pursuant to paragraph 6 above, in order that this information, together with that transmitted pursuant to paragraph 4 above, may be used by the Members of the United Nations to facilitate the coordination, without wasteful duplication of effort, of their respective relief programs and activities;

(b) to facilitate informal consultation among Governments concerning their relief plans and programs; and to arrange for such consultation among Governments whenever, in his opinion, the purpose of this resolution would be promoted thereby;

(c) to furnish, within the limitations of available staff and funds, such technical assistance in respect of the 1947 relief programs as Governments may request.

8. (a) DIRECTS the Secretary-General to consider the ways and means of collecting and utilizing contributions, from persons, organizations and peoples all over the world, equivalent to the earnings of one day's work, for the purpose of helping to meet relief needs during 1947; and to report on the results of such consideration to Member Governments and to the Economic and Social Council at the earliest possible date;

(b) REQUESTS the Economic and Social Council to study the report made by the Secretary-General and to take whatever action it may deem appropriate in regard to this matter.

9. DIRECTS the Secretary-General to report at each session of the Economic and Social Council on the activities being carried out under this Resolution.

Economic Reconstruction of Devastated Areas

{In this resolution the General Assembly expresses its approval of the action of the Economic and Social Council in connection with the survey of the economic reconstruction of devastated areas in Asia and the Far East, urges the Members to take all possible steps which may lead to the early solution of the problems of economic reconstruction of devastated areas, and requests further study of the problems involved by the Economic and Social Council and its Commissions. The resolution was unanimously adopted by the General Assembly on December 11, 1946.]

THE GENERAL ASSEMBLY.

TAKING NOTE of the Preliminary Report of the Temporary Sub-Commission on Economic Reconstruction of Devastated Areas (document A/147), and of the relevant resolution of the Economic and Social Council of 3 October 1946 (document A/126), and recognizing the urgent need for international cooperation in the reconstruction of devastated areas:

1. APPROVES the General Resolution of the Economic and Social Council, the resolution on Survey of the Economic Reconstruction of Devastated Areas in Asia and the Far East, and the resolution for continuing the work of the Sub-Commission on Devastated Areas in Europe (document E/245);
2. URGES the Members of the United Nations, the Economic and Social Council, and the specialized agencies and intergovernmental organizations concerned, to take all possible steps, within their respective fields of activity, which may lead to the early solution of the problems of economic reconstruction of devastated areas;
3. DIRECTS the Secretary-General to transmit to the International Bank for Reconstruction and Development the opinion of the General Assembly that, if the economic reconstruction of devastated areas is not to be unduly delayed, the International Bank should come into full effective operation at the earliest possible date so that, in accordance with the special functions laid down for the Bank in its articles of Agreement, it may be able, early in 1947, to make the fullest possible contribution toward the needs of economic reconstruction;
4. RECOMMENDS that the Economic and Social Council and its Commissions consider undertaking as soon as possible, in cooperation with the specialized agencies concerned, a general survey of raw material resources needed for the economic reconstruction of devastated areas, with a view to recommending the adoption of the necessary measures to increase and promote production and to facilitate

transportation of those materials from the producing areas to the devastated areas;

5. FURTHER RECOMMENDS that, in order to give effective aid to the countries devastated by war, the Economic and Social Council at its next session give prompt and favorable consideration to the establishment of an economic commission for Europe and an economic commission for Asia and the Far East.

Consultative Arrangements of the Economic and Social Council With Non-Governmental Organizations

{The first of the two resolutions on this subject recommends that the Economic and Social Council give to the World Federation of Trade Unions the same rights as specialized agencies to submit to the Council items for inclusion in its provisional agenda. This proposal was adopted on December 15, 1946, 25 to 22, with 6 abstentions, the United States voting against this resolution. The second resolution provides that all non-governmental organizations in the same category as the WFTU should receive equal treatment in respect of consultative arrangements with the Council. It was adopted on December 15, 1946, 34 to 11, with 8 abstentions. The United States voted for this resolution.}

I. REQUEST OF THE WORLD FEDERATION OF TRADE UNIONS THE GENERAL ASSEMBLY,

HAVING CONSIDERED the request of the World Federation of Trade Unions, dated 12 November 1946, for the establishment of a closer connection with the Economic and Social Council, and taking into account the decision of the Council of 21 June 1946 "that most close consultative connection should be established with the World Federation of Trade Unions";

RECOMMENDS to the Economic and Social Council that it give to the World Federation of Trade Unions the right to submit to the Economic and Social Council questions for insertion in the provisional agenda, in accordance with the procedure now applicable to specialized agencies.

II. CONSULTATIVE ARRANGEMENTS WITH NON-GOVERNMENTAL ORGANIZATIONS THE GENERAL ASSEMBLY,

HAVING CONSIDERED the report of the Economic and Social Council (document A/125) concerning arrangements for consultation with non-governmental organizations,

TAKES NOTE of the action of the Council to place certain non-governmental organizations in category (a) ;

EXPRESSES agreement with the general principle that all non-governmental organizations in category (a) should receive equal treatment in respect of consultative arrangements with the Council.

Agreements With Specialized Agencies

{In this resolution the General Assembly gives its approval to the agreements bringing the International Labor Organization, the Food and Agriculture Organization of the United Nations, the International Civil Aviation Organization, and the United Nations Educational, Scientific and Cultural Organization into relation with the United Nations. The Economic and Social Council is requested to follow carefully the progress of collaboration under the agreements and to report to the Assembly within three years so that the Council and the General Assembly may, if necessary, and after consultation with the specialized agencies, formulate suitable proposals to improve such cooperation. The resolution was adopted on December 14, 1946 by a vote of 44 in favor, including the United States, with 5 abstentions.}

THE GENERAL ASSEMBLY,

WHEREAS Agreements entered into by the Economic and Social Council with certain specialized agencies are now before the General Assembly for approval,

RESOLVES to approve the Agreements with the International Labor Organization, the United Nations Educational, Scientific and Cultural Organization, the Food and Agriculture Organization of the United Nations and the International Civil Aviation Organization, provided that, in the case of the Agreement with the International Civil Aviation Organization, that Organization complies with any decision of the General Assembly regarding Franco Spain;

FURTHERMORE, considering it essential that the policies and activities of the specialized agencies and of the organs of the United Nations should be coordinated,

REQUESTS the Economic and Social Council to follow carefully the progress of such collaboration;

INSTRUCTS the Economic and Social Council to report on this question to the General Assembly within the space of three years so as to keep the Assembly informed and in order that the Council and the General Assembly may, if necessary, and after consultation with the said agencies, formulate suitable proposals for improving such collaboration.

Transfer to the United Nations of Powers Exercised by the League of Nations Under the International Agreements, Conventions, and Protocols on Narcotic Drugs

[This resolution transfers to the United Nations and its Commission on Narcotics, under the direction of the Economic and Social Council, the powers exercised by the League of Nations under the various international agreements on narcotic drugs and thus continues the international system of narcotics control. A draft protocol formalizing this transfer was presented for signature during the General Assembly session and signed by the United States on December 11, 1946, subject to ratification. The resolution was adopted unanimously on November 19, 1946.]

THE GENERAL ASSEMBLY,

Desirous of continuing and developing the international control of narcotic drugs,

APPROVES the Protocol which accompanies this Resolution;

URGES that it shall be signed without delay by all the states who are Parties to the Agreements, Conventions and Protocols mentioned in the Annex, and

RECOMMENDS that, pending the entry into force of the aforesaid Protocol, effect be given to its provisions by the Parties to any of these Agreements, Conventions and Protocols.

INSTRUCTS the Secretary-General to perform the functions conferred upon him by the Protocol, signed on December 11, 1946, amending the International Agreements, Conventions and Protocols relating to narcotic drugs which were concluded in the years 1912, 1925, 1931 and 1936.

DIRECTS the Economic and Social Council and the Secretary-General in view of the General Assembly's Resolution on the Relations of Members of the United Nations with Spain, adopted on 9 February 1946, to suspend all action under this Protocol and the above-mentioned Agreements, Conventions and Protocols with respect to the Franco Government in Spain so long as this Government is in power.

Refugees and Displaced Persons

[In the first of the two resolutions on this subject, the General Assembly approved the Constitution of the International Refugee Organization and the accompanying interim arrangement and urged Members of the United Nations to sign and accept them. The second resolution recom-

mends certain measures to be taken pending the establishment of the Organization. The two resolutions were approved by the General Assembly December 15, 1946 by a vote of 30 to 5, with 18 abstentions. The United States voted in the affirmative. The United States signed the Constitution and interim arrangement on December 16, 1946, subject to ratification.]

I. DRAFT CONSTITUTION AND INTERIM ARRANGEMENTS PENDING THE ESTABLISHMENT OF THE INTERNATIONA- TIONAL REFUGEE ORGANIZATION

THE GENERAL ASSEMBLY.

NOTING that action has been taken pursuant to the resolution concerning refugees and displaced persons adopted by the General Assembly on 12 February 1946, as follows:

- (a) the establishment by the Economic and Social Council of a Special Committee on Refugees and Displaced Persons under a resolution of the Council of 16 February 1946;
- (b) the making of a report by the Special Committee to the second session of the Council;
- (c) the adoption of a draft Constitution for an International Refugee Organization and the creation of a Committee on the Finances of the International Refugee Organization by the Council under a resolution of the Council of 21 June 1946;
- (d) the circulation to Members of the United Nations for their comments of the draft Constitution and the report of the Committee on Finances;
- (e) the final approval by the Council of the Constitution, and of a provisional budget for the first financial year, the adoption by the Council of an Arrangement for a Preparatory Commission, and the transmittal of both these instruments to the General Assembly, under resolution of the Council of 3 October 1946;

HAVING CONSIDERED the Constitution of the International Refugee Organization and the Arrangement for a Preparatory Commission as approved by the Economic and Social Council;

CONSIDERING that every effort should be made to provide for the early establishment of the International Refugee Organization and the provision of measures during the interim period designed to facilitate such establishment;

THEREFORE,

- (a) APPROVES the Constitution of the International Refugee Organization and the Arrangement for a Preparatory Commission as annexed hereto;

(b) REQUESTS the Secretary-General to open these two instruments for signature and, in the case of the Constitution, to open it for signature either with or without reservation as to subsequent acceptance;

(c) URGES Members of the United Nations to sign these two instruments and, where constitutional procedures permit, to sign the Constitution without reservation as to subsequent acceptance;

(d) AUTHORIZES the Secretary-General to make such staff available to the Preparatory Commission as may be deemed necessary and desirable;

(e) URGES Members of the United Nations to give the most favorable consideration to receiving each into its territory at the earliest possible time, so far as may be practicable for permanent resettlement, its fair share of the non-repatriable persons who are the concern of the International Refugee Organization and this in conformity with the principles of the Organization.

II. ARRANGEMENTS AND MEASURES TO BE TAKEN IN THE FIELD OF REFUGEES AND DISPLACED PERSONS ACTIVITIES OF THE UNITED NATIONS PENDING THE ESTABLISHMENT OF THE INTERNATIONAL REFUGEE ORGANIZATION

THE GENERAL ASSEMBLY,

WHEREAS

The resolution of the General Assembly of 12 February 1946 stipulates as the main task the early return of displaced persons to their homes,

The Constitution of the International Refugee Organization reaffirms this principle applying it to all persons coming under the care of the Organization,

The resolution of the General Assembly of 13 February 1946 on war criminals, Quislings and traitors recommends the arrest and handing over of such persons to countries where they have committed their crimes,

The Special Committee on Refugees and Displaced Persons in its report found that "the presence of war criminals, Quislings and traitors among refugees and displaced persons in their countries of present sojourn represents an obstacle to the free and unhampered exercise on the part of those persons of their right of option between returning and not returning to their countries of origin in full knowledge and appreciation of all relevant facts",

The removal of any impediment to an early return of refugees and displaced persons to their homes and families and the handing over for trial of war criminals, Quislings and traitors is not only desirable, but is an urgent task and obligation requiring close cooperation of all authorities concerned;

RECOMMENDS to all Governments concerned that they take urgent and adequate measures to effect a careful screening of all displaced persons, refugees, prisoners of war and persons of similar status, with a view to identifying all war criminals, Quislings and traitors; and, in such screening, give high priority to all persons or groups of persons who use duress or incite other persons to the use of duress towards refugees, displaced persons, prisoners of war and persons of similar status, with the aim:

(a) of preventing them from expressing the desire to return to their country of nationality or formal habitual residence; or

(b) of raising obstacles in any form to written or oral contact with duly accredited representatives of the Government of the country of their nationality or former habitual residence.

Transfer to the United Nations of the Advisory Social Welfare Functions of UNRRA

{This resolution authorizes the Secretary-General, in consultation with the Economic and Social Council, to make provision for continuing important UNRRA advisory functions in the field of social welfare and to report on the measures taken to the Social Commission which, in turn, is requested to formulate recommendations for continued action in this field. The General Assembly adopted this resolution unanimously on December 14, 1946.}

WHEREAS Article 66 of the Charter of United Nations provides:

1. The Economic and Social Council shall perform such functions as fall within its competence in connection with the carrying out of the recommendations of the General Assembly;

2. It may, with the approval of the General Assembly, perform services at the request of Members of the United Nations and at the request of specialized agencies;

3. It shall perform such other functions as are specified elsewhere in the present Charter or as may be assigned to it by the General Assembly;

WHEREAS the Economic and Social Council, on 30 September 1946, recommended the transfer to the United Nations of certain urgent and important advisory functions in the field of social welfare carried on by UNRRA, special consideration being given to the needs of children.

WHEREAS THE GENERAL ASSEMBLY, after examining the report and the recommendations presented by the Secretary-General in document

A/132, recognizes the necessity of transferring to the United Nations the urgent and important advisory functions in the field of social welfare carried on by UNRRA.

THEREFORE THE GENERAL ASSEMBLY,

A. AUTHORIZES the Secretary-General:

1. In consultation with the Economic and Social Council, to make provision, with the cooperation of the specialized agencies where appropriate, for the continuance of the urgent and important advisory functions in the field of social welfare carried on by UNRRA; and for this purpose:

2. To include in the budget of the United Nations for 1947 the funds necessary for the assumption of the following functions, all of which are necessary for the accomplishment of an effective program:

(a) for a requisite number of social welfare experts to provide, on the request of Governments which show the need for them, such advisory services and to put into practice over an appropriate period new technical methods in any branch of social welfare;

(b) for enabling a requisite number of (suitably qualified) social welfare officials to observe, and familiarize themselves with the experience of other countries administering social welfare programs;

(c) for providing advice, demonstration and instruction in connection with the manufacture of prosthetic appliances and the vocational training of physically handicapped persons and for furnishing the necessary demonstration equipment and tools;

(d) for the furnishing to the Member countries which have been devastated during the war of technical publications helpful in the training of social welfare workers.

The furnishing of the experts shall be undertaken by the Secretary-General in agreement with the Governments concerned, and the selection of grant-holders shall be made by the Secretary-General on the basis of proposals received from Governments. The amount of service to be furnished to the various Governments shall be decided by the Secretary-General, and shall be reviewed by the Social Commission at its next session. The kind of service mentioned under (a), (b), (c) and (d) to be rendered to each country shall be decided by the Government concerned.

B. REQUESTS the Secretary-General to report to the Social Commission on the measures which he takes in compliance with the terms of the present resolution, and requests the Commission during its first session to formulate recommendations concerning the continued action required to carry on the essential advisory activities of UNRRA in the field of social welfare.

International Children's Emergency Fund

[This resolution establishes an International Children's Emergency Fund to be administered for the benefit of children of countries which were victims of aggression and of countries receiving assistance from UNRRA, and for child health purposes generally. It was unanimously adopted by the General Assembly on December 11, 1946.]

I. THE GENERAL ASSEMBLY,

HAVING given consideration to the resolution adopted by the Economic and Social Council at its third session recommending the creation of an International Children's Emergency Fund to be utilized for the benefit of children and adolescents of countries which were the victims of aggression, and recognizing the desirability of establishing such a Fund in accordance with Article 55 of the Charter of the United Nations;

THEREFORE DECIDES :

1. There is hereby created an International Children's Emergency Fund to be utilized and administered, to the extent of its available resources:

(a) for the benefit of children and adolescents of countries which were victims of aggression and in order to assist in their rehabilitation;

(b) for the benefit of children and adolescents of countries at present receiving assistance from the United Nations Relief and Rehabilitation Administration;

(c) for child health purposes generally, giving high priority to the children of countries victims of aggression.

2. (a) The Fund shall consist of any assets made available by UNRRA or any voluntary contributions made available by Governments, voluntary agencies, individual or other sources. It shall be authorized to receive funds, contributions or other assistance from any of the foregoing sources; to make expenditures and to finance or arrange for the provision of supplies, material, services and technical assistance for the furtherance of the foregoing purposes; to facilitate and coordinate activities relating thereto; and generally to acquire, hold or transfer property, and to take any other legal action necessary or useful in the performance of its objects and purposes;

(b) The Fund, in agreement with the Governments concerned, shall take such measures as are deemed appropriate to ensure the proper utilization and distribution of supplies or other assistance which it provides. Supplies or other assistance shall be made available to

Governments upon approval by the Fund of the plans of operation drawn up by the Governments concerned. Provision shall be made for :

- (i) the submission to the Fund of such reports on the use of supplies and other assistance as the Fund may from time to time require;
- (ii) equitable and efficient dispensation or distribution of all supplies or other assistance, on the basis of need, without discrimination because of race, creed, nationality status or political belief.
- (c) The Fund shall not engage in activity in any country except in consultation with, and with the consent of, the Government concerned;
- (d) The Fund shall appeal to all voluntary relief agencies to continue and intensify their activities and shall take the necessary measures in order to cooperate with these agencies.

3. (a) The Fund shall be administered by an Executive Director under policies, including the determination of programs and allocation of funds, established by an Executive Board in accordance with such principles as may be laid down by the Economic and Social Council and its Social Commission;

(b) The Secretary-General of the United Nations shall appoint the Executive Director, in consultation with the Executive Board;

(c) The Executive Board shall be composed of representatives of the following Governments :

Argentina	Netherlands
Australia	New Zealand
Brazil	Norway
Byelorussian Soviet Socialist Republic	Peru
Canada	Poland
China	Sweden
Colombia	Ukrainian Soviet Socialist Republic
Czechoslovakia	Union of South Africa
Denmark	Union of Soviet Socialist Republics
Ecuador	United Kingdom
France	United States
Greece	
Iraq	Yugoslavia

The Economic and Social Council, on the recommendation of the Executive Board, may designate other Governments as members of the Board. Membership may be changed by the General Assembly,

on the recommendation of the Economic and Social Council, at any time after the first three years of the Fund's existence. The Board may, as occasions arise, invite representatives of specialized agencies for consultation on matters within their competence;

(d) The Board may designate from among its members such committees as it deems advisable in the interest of effective administration. The Board shall elect its own Chairman and its Vice-Chairman, and shall meet whenever convened by the Chairman, or upon the request of any three of its members. The first meeting of the Board shall be convened by the Secretary-General of the United Nations, at the earliest date feasible after the adoption of this resolution. Each member of the Board shall have one vote. A majority of the Board shall constitute a quorum and it shall vote by a majority of the members present and voting. Subject to the foregoing, the Board may establish its own rules of procedure.

4. (a) Staff and facilities required for the administration of the Fund shall be provided to the Board by the Secretary-General. The Fund may also utilize such staff, equipment and records as may be made available by the United Nations Relief and Rehabilitation Administration during the period of its existence;

(b) The United Nations shall make no charge to the Fund on account of staff and facilities, so long as these can be provided from the established services of the Secretariat and within the limits of the United Nations budget. If additional funds are necessary, money for such purposes shall be provided by the Fund;

(c) To the maximum extent feasible, the utilization of the staff and technical assistance of specialized agencies, in particular the World Health Organization or its Interim Commission, shall be requested, with a view to reducing to a minimum the separate personnel requirements of the Fund.

5. The Secretary-General shall not pay from the funds received to finance the United Nations budget any claims arising from the operation of the Fund, but the Executive Board is authorized to pay from the Fund claims arising from its operation.

6. The Secretary-General shall submit to the General Assembly an annual audit of the accounts of the Fund.

7. The Executive Board shall make periodic reports of its operations at such times and in such form as the Economic and Social Council shall provide.

8. A report shall be submitted to the fourth session of the Economic and Social Council containing a recommended program and estimate of expenses incurred and to be incurred for the Fund for 1947 which shall be subject to the approval of the Council.

9. The activities of the Fund shall be reviewed by the General Assembly at its second session upon the basis of a special report from the Economic and Social Council.

II. The effective operation of the Fund is dependent upon the financial resources which are put at its disposal.

THEREFORE

THE GENERAL ASSEMBLY EXPRESSES THE EARNEST HOPE that Governments, voluntary agencies and private individuals will give the Fund their generous support.

Establishment of the World Health Organization

{In this resolution the General Assembly recommends that all Members of the United Nations accept the Constitution of the World Health Organization and take other measures to expedite the effective establishment of the Organization. The Assembly also approves the granting of loans by the United Nations to finance the activities of the Organization or its Interim Commission until the end of 1947. The resolution was unanimously adopted by the Assembly on December 14, 1946.}

THE GENERAL ASSEMBLY,

TAKES NOTE of the resolution adopted by the Economic and Social Council at its third session on 17 September 1946, regarding the establishment of the World Health Organization:

THEREFORE

1. RECOMMENDS all Members of the United Nations to accept the Constitution of the World Health Organization at the earliest possible date;

2. INSTRUCTS the Secretary-General to take the necessary steps, as contemplated by the Final Act of the International Health Conference, to effect the transfer to the Interim Commission of the World Health Organization of the functions and activities of the League of Nations Health Organization which have been assumed by the United Nations;

3. RECOMMENDS all Members of the United Nations, and in particular those Members parties to the Rome Agreement of 1907 constituting the *Office International d'Hygiène publique*, to accept at the earliest possible date the Protocol of the International Health Conference concerning the *Office International d'Hygiène publique*;

4. APPROVES, in response to the application of the Interim Commission, a loan by the United Nations of a maximum sum of \$300,000 (U.S.) for the purpose of financing the activities of the Interim Com-

mission from the commencement of its work to the end of the financial year 1946, and approves the inclusion in the budget of the United Nations for the financial year 1947 of a maximum sum of \$1,000,000 (U.S.) as a further loan for the purpose of financing the activities of the Interim Commission of the World Health Organization during that year;

5. AUTHORIZES the Secretary-General to transmit any recommendations made by the General Assembly in pursuance of paragraphs 1 and 3 above to all States which, whether Members of the United Nations or not, sent representatives or observers to the International Health Conference.

Calling of an International Conference on Freedom of Information

[This resolution, originally proposed by the Philippine Delegation and supported by the United States Delegation, authorizes the Economic and Social Council to convene in 1947 a conference of all Members of the United Nations on freedom of information. The resolution was unanimously adopted by the General Assembly on December 14, 1946.]

THE GENERAL ASSEMBLY.

WHEREAS

Freedom of information is a fundamental human right and is the touchstone of all the freedoms to which the United Nations is consecrated;

Freedom of information implies the right to gather, transmit and publish news anywhere and everywhere without fetters. As such it is an essential factor in any serious effort to promote the peace and progress of the world;

Freedom of information requires as an indispensable element the willingness and capacity to employ its privileges without abuse. It requires as a basic discipline the moral obligation to seek the facts without prejudice and to spread knowledge without malicious intent;

Understanding and cooperation among nations is impossible without an alert and sound world opinion which, in turn, is wholly dependent upon freedom of information.

RESOLVES THEREFORE, in the spirit of paragraphs 3 and 4 of Article 1 of the Charter, to authorize the holding of a conference of all Members of the United Nations on freedom of information;

INSTRUCTS the Economic and Social Council to undertake, pursuant to Article 60 and Article 62, paragraph 4, of the Charter, the convocation of such a conference in accordance with the following guiding principles:

- (a) The purpose of the Conference shall be to formulate its views concerning the rights, obligations and practices which should be included in the concept of the freedom of information;
- (b) Delegations to the Conference shall include in each instance persons actually engaged or experienced in press, radio, motion pictures and other media for the dissemination of information;
- (c) The Conference shall be held before the end of 1947, at such place as may be determined by the Economic and Social Council, in order to enable the Council to submit a report on the deliberations and recommendations of the Conference to the following regular session of the General Assembly.

Trusteeship Agreements and Establishment of the Trusteeship Council

[On December 13, 1946 the General Assembly approved eight trusteeship agreements, with the United States voting in favor of each. In another resolution, reproduced below, the Assembly completed the establishment of the Trusteeship Council, electing Mexico and Iraq to occupy the two places not automatically filled, and provided for the convocation of the first session of the Council. This resolution was adopted on December 14, 1946 with 40 affirmative votes, no negative votes, and no abstentions.]

On December 13, 1946 the General Assembly approved, in accordance with Article 85 of the Charter, the terms of the Trusteeship agreements for New Guinea, Ruanda-Urundi, Cameroons under French administration and Togoland under French administration, Western Samoa, Tanganyika, Cameroons under British administration and Togoland under British administration.

In these agreements, Australia, Belgium, France, New Zealand, and the United Kingdom have been designated as administering authorities.

The conditions necessary for the constitution of the Trusteeship Council can thus be fulfilled.

In accordance with Article 86 (a), Australia, Belgium, France, New Zealand, and the United Kingdom will be Members of the Trusteeship Council.

By application of Article 86 (b), China, the United States and the Union of Soviet Socialist Republics, being such of the Members mentioned by name in Article 23 of the Charter as are not administering Trust Territories, will also be Members of the Trusteeship Council.

In accordance with Article 86 (c) it is necessary, in order to ensure

that the total number of Members of the Trusteeship Council is equally divided between those Members of the United Nations which administer Trust Territories and those which do not, that two Members should be elected by the General Assembly.

THEREFORE, the General Assembly

1. ELECTS Mexico and Iraq as Members of the Trusteeship Council for three-year terms;

2. DIRECTS the Secretary-General to convoke the first session of the Trusteeship Council not later than 15 March 1947, and to draw up and communicate to each Member of the Council the provisional agenda for that session at least thirty days in advance of the date of the session.

Regional Conferences of Representatives of Non-Self-Governing Territories

{This resolution, based on a proposal by the Delegation of the Philippine Republic, recommends that Members with responsibilities for the administration of non-self-governing territories convene conferences of representatives of non-self-governing peoples in order to carry out the letter and spirit of chapter XI of the Charter and to provide a means for the expression of the wishes and aspirations of these peoples. It was adopted on December 14, 1946 by a vote of 31 to 1, with 21 abstentions, the United States voting for the resolution.}

THE GENERAL ASSEMBLY,

Considering that the Resolution on Non-Self-Governing Peoples adopted during the first part of the first session of the General Assembly draws attention to the fact that the obligations accepted by Members of the United Nations under Chapter XI are already in full force;

Recognizing the importance of the declaration contained in Chapter XI of the Charter especially as it concerns the peace and security of the world, and the political, economic, social and educational advancement of the peoples of non-self-governing territories as well as their just treatment and protection against abuses;

RECOMMENDS to the Members having or assuming responsibilities for the administration of non-self-governing territories to convene conferences of representatives of non-self-governing peoples chosen or preferably elected in such a way that the representation of the people will be ensured to the extent that the particular conditions of the territory concerned permit, in order that the letter and spirit of Chapter XI of the Charter may be accomplished and the wishes and aspirations of the non-self-governing peoples may be expressed.

South West Africa

[This resolution was the outgrowth of a discussion on the question of incorporating the mandated territory of South West Africa into the Union of South Africa as desired by the Union Government. The resolution recommends that the territory be placed under the international trusteeship system and invites the Union to propose a trusteeship agreement for it. The General Assembly adopted this resolution on December 14, 1946, 37 members, including the United States, voting for the resolution, with 9 abstentions and no negative votes.]

THE GENERAL ASSEMBLY,

HAVING CONSIDERED the statements of the Delegation of the Union of South Africa regarding the question of incorporating the mandated territory of South West Africa in the Union;

NOTING WITH SATISFACTION that the Union of South Africa, by presenting this matter to the United Nations, recognizes the interest and concern of the United Nations in the matter of the future status of territories now held under mandate;

RECALLING that the Charter of the United Nations provides in Articles 77 and 79 that the trusteeship system shall apply to territories now under mandate as may be subsequently agreed;

REFERRED to the resolution of the General Assembly of 9 February 1946, inviting the placing of mandated territories under trusteeship;

DESIRING that agreement between the United Nations and the Union of South Africa may hereafter be reached regarding the future status of the mandated territory of South West Africa;

ASSURED BY the Delegation of the Union of South Africa that, pending such agreement, the Union Government will continue to administer the territory as heretofore in the spirit of the principles laid down in the mandate.

CONSIDERING that the African inhabitants of South West Africa have not yet secured political autonomy or reached a stage of political development enabling them to express a considered opinion which the Assembly could recognize on such an important question as incorporation of their territory;

THEREFORE, THE GENERAL ASSEMBLY,

IS UNABLE TO ACCEDE to the incorporation of the territory of South West Africa in the Union of South Africa; and

RECOMMENDS that the mandated territory of South West Africa be placed under the international trusteeship system and invites the Government of the Union of South Africa to propose for the consideration of the General Assembly a trusteeship agreement for the aforesaid territory.

Transmission of Information on Non-Self-Governing Territories by Member States Under Article 73(e) of the Charter

{This resolution takes note of the information submitted by various members with respect to non-self-governing territories for which they are responsible and establishes the procedure for the submission of such information and its consideration by the interested agencies of the United Nations, including an *ad hoc* committee to be convened before the Second Session of the Assembly. Although the United States opposed the creation of this *ad hoc* committee and voted against adoption of the paragraphs dealing with it, the resolution as a whole was carried on December 14, 1946 by a vote of 27 to 7, with 13 abstentions, the United States abstaining.}

The General Assembly on 9 February 1946 approved a Resolution on Non-Self-Governing Peoples. By this Resolution the Secretary-General was requested to include in his annual report on the work of the Organization a statement summarizing such information as may have been transmitted to him by Members of the United Nations under Article 73 (e) of the Charter relating to economic, social and educational conditions in the territories for which they are responsible, other than those to which Chapters XII and XIII apply.

The General Assembly notes that information has been transmitted by the Governments of Australia concerning conditions in Papua; France concerning conditions in French West Africa, French Equatorial Africa, French Somaliland, Madagascar and Dependencies, French Establishments in Oceania, Indochina, French Establishments in India, New Caledonia and Dependencies, Saint Pierre et Miquelon, Morocco, Tunisia, the New Hebrides under Anglo-French Condominium, Martinique, Guadeloupe and Dependencies, French Guiana, and Réunion (without prejudice to the future status of these territories); New Zealand concerning conditions in the Cook Islands (without prejudice to any interpretation of the expression Non-Self-Governing Territories in view of the fact that the Cook Islands are an integral part of New Zealand); the United Kingdom concerning conditions in Barbados, Bermuda, British Guiana, British Honduras,¹ Fiji, Gambia, Gibraltar, Leeward Islands, Mauritius, St. Lucia, and Zanzibar Protectorate; and the United States concerning conditions in

¹ In this connection reference is made to the *Journal of the United Nations* No. 55, Dec. 10, 1946, Supp. No. 4, pp. 79-80.

Alaska, American Samoa, Guam, Hawaii, Panama Canal Zone,² Puerto Rico and the Virgin Islands.

The General Assembly also notes that the following Governments have declared their intention of transmitting information: Belgium on the Belgian Congo; Denmark on Greenland; the Netherlands on the Netherlands Indies, Surinam and Curaçao; New Zealand on the Tokelau Islands; and the United Kingdom on Aden (Colony and Protectorate), Bahamas, Basutoland, Bechuanaland Protectorate, British Somaliland Protectorate, Brunei, Cyprus, Dominica, Falkland Islands,³ Gold Coast (Colony and Protectorate), Grenada, Hong Kong, Jamaica, Kenya (Colony and Protectorate), Malayan Union, Malta, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Helena and Dependencies, St. Vincent, Sarawak, Seychelles, Sierra Leone, Singapore, Swaziland, Trinidad and Tobago, Uganda Protectorate, and the High Commission Territories of the Western Pacific (Gilbert and Ellice Islands Colony, British Solomon Islands Protectorate, Pitcairn Islands).

The value of the association of Non-Self-Governing Territories in the work of the Specialized Agencies as a means of attaining the objectives of Chapter XI of the Charter has been stressed.

The procedures to be followed by the Organization in connection with the information transmitted by Members regarding Non-Self-Governing Peoples have been carefully examined.

THEREFORE THE GENERAL ASSEMBLY:

1. INVITES the Members transmitting information to send to the Secretary-General by 30 June of each year the most recent information which is at their disposal.

2. RECOMMENDS that the information transmitted in the course of 1947 by Members of the United Nations under Article 73 (e) of the Charter should be summarized, analyzed and classified by the Secretary-General and included in his report to the Second Session of the General Assembly, in order that in the light of the experience gained the General Assembly may be able to decide whether any other procedure may be desirable for dealing with such information in future years.

3. RECOMMENDS that the Secretary-General communicate to the Specialized Agencies the information transmitted, with a view to

² In this connection reference is made to doc. A/200, dated Nov. 26, 1946.

³ In regard to the Falkland Islands, the Delegation of Argentina at the twenty-fifth meeting of the Committee made a reservation to the effect that the Argentine Government did not recognize British sovereignty in the Falkland Islands. The Delegation of the United Kingdom made a parallel reservation, not recognizing Argentine sovereignty in these islands.

making all relevant data available to their expert and deliberative bodies.

4. INVITES the Secretary-General to convene, some weeks before the opening of the Second Session of the General Assembly, an *ad hoc* committee composed in equal numbers of representatives of the Members transmitting information under Article 73 (e) of the Charter and of representatives of Members elected, by the General Assembly at this Session, on the basis of an equitable geographical distribution.

5. INVITES the Secretary-General to request the Food and Agriculture Organization, the International Labour Organization, the United Nations Educational, Scientific and Cultural Organization, and the World Health Organization and the International Trade Organization, when constituted, to send representatives in an advisory capacity to the meeting of the *ad hoc* committee.

6. INVITES the *ad hoc* committee to examine the Secretary-General's summary and analysis of the information transmitted under Article 73 (e) of the Charter with a view to aiding the General Assembly in its consideration of this information, and with a view to making recommendations to the General Assembly regarding the procedures to be followed in the future and the means of ensuring that the advice, expert knowledge and experience of the Specialized Agencies are used to the best advantage.

*Scale of Contributions of the United Nations Budgets
for 1946 and 1947 and the Working Capital Fund*

{The scale of contributions to the 1946 and 1947 budgets of the United Nations and the Working Capital Fund is fixed by this resolution, but by reason of a reservation by the Delegation of the United States, the scale will be reconsidered in connection with the 1948 budget. This resolution was unanimously adopted by the General Assembly on December 14, 1946.]

THE GENERAL ASSEMBLY RESOLVES:

(i) That the scales of assessment for (a) the 1946 budget and (b) the 1947 budget and the Working Capital Fund shall be as follows:

Country	1946 Apportionment	1947 Budget and Working Capital Fund Apportionment	
		Percent	Percent
Argentina	1.94	1.85	
Australia	2.00	1.97	
Belgium	1.42	1.35	
Bolivia	0.08	0.08	
Brazil	1.94	1.85	

Country	1946 Appor-tionment	1947 Budget and Working Capital Fund Apportionment	
		Percent	Percent
Byelorussian S. S. R	0.23	0.22	
Canada	3.35	3.20	
Chile	0.47	0.45	
China	6.30	6.00	
Colombia	0.39	0.37	
Costa Rica	0.04	0.04	
Cuba	0.30	0.29	
Czechoslovakia	0.95	0.90	
Denmark	0.81	0.79	
Dominican Republic	0.05	0.05	
Ecuador	0.05	0.05	
Egypt	0.81	0.79	
El Salvador	0.05	0.05	
Ethiopia	0.08	0.08	
France	6.30	6.00	
Greece	0.17	0.17	
Guatemala	0.05	0.05	
Haiti	0.04	0.04	
Honduras	0.04	0.04	
India	4.09	3.95	
Iran	0.47	0.45	
Iraq	0.17	0.17	
Lebanon	0.06	0.06	
Liberia	0.04	0.04	
Luxembourg	0.05	0.05	
Mexico	0.66	0.63	
Netherlands	1.47	1.40	
New Zealand	0.52	0.50	
Nicaragua	0.04	0.04	
Norway	0.52	0.50	
Panama	0.05	0.05	
Paraguay	0.04	0.04	
Peru	0.21	0.20	
Philippines	0.30	0.29	
Poland	1.00	0.95	
Saudi Arabia	0.08	0.08	
Syria	0.12	0.12	
South Africa	1.15	1.12	
Turkey	0.93	0.91	
Ukrainian S. S. R	0.88	0.84	
U. S. S. R	6.62	6.34	
United Kingdom	11.98	11.48	
U. S. A	39.89	39.89	
Uruguay	0.18	0.18	
Venezuela	0.28	0.27	
Yugoslavia	0.34	0.33	
Afghanistan		0.05	
Iceland		0.04	
Sweden		2.35	
	100.00	100.00	

- (ii) That, notwithstanding the provisions of Rule 43 of the Provisional Rules of Procedure, the scale of assessments for the apportionment of expenses of United Nations shall be reviewed by the Committee on Contributions in 1947 and a report submitted for the consideration of the General Assembly at the Session to be held in September 1947.
- (iii) That as it may be more convenient for the United Nations to adopt a unit basis of assessment in lieu of the percentage basis, the Committee on Contributions is directed to give consideration to the relative merits of each method.
- (iv) That new Members be required to contribute to the annual budget of the year in which they are first admitted at least 33½ per cent of their percentage of assessment determined for the following year, applied to the budget for the year of their admission.
- (v) That, having regard to the admission of the three new Members in 1946,⁴ the advances to the Working Capital Fund be readjusted on the basis of the scale to be adopted for the contributions of Members to the annual budget for 1947.

United Nations Budgets for 1946 and 1947

{The budgets for the years 1946 and 1947 are established in the two appropriation resolutions printed below. These resolutions, together with another fixing the size of the working capital fund at \$20,000,000 for the year 1947 and providing for its maintenance and use, were unanimously approved by the General Assembly on December 14, 1946.}

I. APPROPRIATION RESOLUTION, FINANCIAL YEAR 1946

THE GENERAL ASSEMBLY RESOLVES that:

For financial year 1946

1. An amount of \$19,390,000 is hereby appropriated for the following purposes:

Appropriation Section	Purpose of Appropriation	Amount
Part I		
I	For expenses of travel of delegates to the General Assembly and travel of Committees and Commissions.	\$885, 800
II	For expenses of Personnel Services.....	6, 492, 979
III	For expenses of Common Services.....	4, 238, 610
IV	For expenses of establishment of Headquarters and initial recruitment of staff.....	6, 143, 121

⁴ Siam was admitted to the United Nations subsequent to the passage of this resolution.

Appropriation Section	Purpose of Appropriation	Amount
V	For unforeseen expenses.....	\$250, 000
VI	For expenses of the Preparatory Commission and the cost of the First Part of the First Session to 31 January 1946.....	902, 282
	Total, Part I.....	\$18, 912, 792
	Part II	
VII	For expenses of the International Court of Justice.....	\$320, 097
VIII	For expenses of the Registry and Common Services of the International Court of Justice.....	157, 111
	Total, Part II.....	\$477, 208
	Total, Parts I and II.....	\$19, 390, 000

2. Amounts not exceeding the above are to be available for the payment of obligations incurred prior to 1 January 1947. The Secretary-General may, by written order, transfer credits between Sections within Part I and between Sections within Part II. The Secretary-General shall report to the 1947 session of the General Assembly all such transfers together with the circumstances relating thereto.

II. APPROPRIATION RESOLUTION, FINANCIAL YEAR 1947

THE GENERAL ASSEMBLY RESOLVES that:

For the financial year 1947

1. An amount of \$27,740,000 is hereby appropriated for the following purposes:

Appropriation Section	Purpose of Appropriation	Amount
	Part I	
I	For expenses of travel of delegates to the General Assembly and travel of Committees and Commissions.....	\$1, 090, 500
II	For expenses of Personnel Services.....	13, 999, 223
III	For expenses of contributions to the Staff Provident Fund, Provisional Staff Retirement Scheme, and Related Benefits.....	2, 301, 179
IV	For expenses of Common Services.....	5, 966, 500
V	For expenses of establishment of Headquarters and initial recruitment of staff.....	3, 074, 000
VI	For expenses of Advisory Social Welfare Functions.....	670, 186
	Total, Part I.....	\$27, 101, 588

Appropriation Section	Purpose of Appropriation	Amount
Part II		
VII	For expenses of the International Court of Justice.....	\$387, 894
VIII	For expenses of the Registry and Common Services of the International Court of Justice.....	250, 518
		<hr/>
	Total, Part II.....	\$638, 412
		<hr/>
	Total, Parts I and II.....	\$27, 740, 000
		<hr/>

2. Amounts not exceeding the above are to be available for the payment of obligations incurred during the period Jan. 1, 1947 to Dec. 31, 1947.

3. The Secretary-General shall make a primary allotment of the appropriations voted by objects of expenditure; transfers between the primary allotments within Sections shall be permissible only on the written authority of the Secretary-General.

Progressive Development of International Law and Its Codification

{This resolution provides for the establishment of a committee of 17 members to study the methods and procedures appropriate for this purpose and calls for a report by the committee to the General Assembly at its next regular session. The United States originally requested the inclusion of this item on the agenda. The resolution was unanimously adopted by the General Assembly on December 11, 1946.}

THE GENERAL ASSEMBLY

RECOGNIZES the obligation laid upon it by Article 13, paragraph (a) of the Charter to initiate studies and make recommendations for the purpose of encouraging the progressive development of international law and its codification;

REALIZES the need for a careful and thorough study of what has already been accomplished in this field as well as of the projects and activities of official and unofficial bodies engaged in efforts to promote the progressive development and formulation of public and private international law, and the need for a report on the methods whereby the General Assembly may most effectively discharge its obligations under the above-mentioned provision:

THEREFORE

RESOLVES to establish a Committee of seventeen Members of the United Nations to be appointed by the General Assembly on the rec-

ommendation of the President, each of these Members to have one representative on the Committee;

DIRECTS the Committee to study

(a) the methods by which the General Assembly should encourage the progressive development of international law and its eventual codification

(b) methods of securing the cooperation of the several organs of the United Nations to this end

(c) methods of enlisting the assistance of such national or international bodies as might aid in the attainment of this objective, and to report to the General Assembly at its next regular session.

REQUESTS the Secretary-General to provide such assistance as the Committee may require for its work.

*Affirmation of the Principles of International Law
Recognized by the Charter of the Nuremberg Tribunal*

[This resolution affirms the principles of international law recognized by the Charter of the Nuremberg Tribunal and the judgment of the Tribunal. It directs the General Assembly Committee charged with the study of the methods for the codification of international law to treat as a matter of primary importance plans for the formulation of the principles recognized at Nuremberg. The resolution was proposed by the Delegation of the United States. It was unanimously adopted by the General Assembly on December 11, 1946.]

THE GENERAL ASSEMBLY,

RECOGNIZES the obligation laid upon it by Article 13, paragraph 1, sub-paragraph a. of the Charter, to initiate studies and make recommendations for the purpose of encouraging the progressive development of international law and its codification; and

TAKES NOTE of the Agreement for the establishment of an International Military Tribunal for the prosecution and punishment of the major war criminals of the European Axis signed in London on 8 August 1945, and of the Charter annexed thereto, and of the fact that similar principles have been adopted in the Charter of the International Military Tribunal for the trial of the major war criminals in the Far East, proclaimed at Tokyo on 19 January 1946.

THEREFORE

AFFIRMS the principles of international law recognized by the Charter of the Nuremberg Tribunal and the judgment of the Tribunal;

DIRECTS the Committee on the codification of international law established by the resolution of the General Assembly of December 1946, to treat as a matter of primary importance plans for the formulation, in the context of a general codification of offenses against the peace and security of mankind, or of an International Criminal Code, of the principles recognized in the Charter of the Nuremberg Tribunal and in the judgment of the Tribunal.

The Crime of Genocide

{This resolution affirms that genocide is a crime under international law and recommends that the necessary steps be taken to provide for its prevention and punishment. The resolution was unanimously adopted on December 11, 1946.}

Genocide is a denial of the right of existence of entire human groups, as homicide is the denial of the right to live of individual human beings; such denial of the right of existence shocks the conscience of mankind, results in great losses to humanity in the form of cultural and other contributions represented by these human groups, and is contrary to moral law and to the spirit and aims of the United Nations.

Many instances of such crimes of genocide have occurred when racial, religious, political and other groups have been destroyed, entirely or in part.

The punishment of the crime of genocide is a matter of international concern.

THE GENERAL ASSEMBLY THEREFORE

AFFIRMS that genocide is a crime under international law which the civilized world condemns—and for the commission of which principals and accomplices, whether private individuals, public officials or statesmen, and whether the crime is committed on religious, racial, political or any other grounds—are punishable;

INVITES the Member States to enact the necessary legislation for the prevention and punishment of this crime;

RECOMMENDS that international cooperation be organized between States with a view to facilitating the speedy prevention and punishment of the crime of genocide; and, to this end,

REQUESTS the Economic and Social Council to undertake the necessary studies, with a view to drawing up a draft convention on the crime of genocide to be submitted to the next regular session of the General Assembly.

Headquarters of the United Nations

[After accepting the offer of Mr. John D. Rockefeller, Jr., and formally establishing the permanent headquarters of the United Nations in New York City, the General Assembly, in the following resolution, requested the Secretary-General to prepare plans and estimates for the development of the site with the assistance of an advisory committee of 16 members. This resolution was adopted by the General Assembly on December 14, 1946 by a vote of 46 to 7, the United States voting in the affirmative.]

THE GENERAL ASSEMBLY

RESOLVES:

1. That the Secretary-General is hereby requested to prepare recommendations with respect to the matters set forth below pertaining to the establishment of the permanent headquarters. He is further requested to prepare a report on these matters to be distributed to the Members of the United Nations on or before 1 July 1947 for consideration at the next regular session of the General Assembly;

(a) General plans and requirements for official buildings and other necessary facilities;

(b) Arrangements for accommodations, housing developments and related facilities on or off the site for personnel of the Secretariat, specialized agencies and national delegations and their staffs, and for the families of such personnel;

(c) Approximate costs of construction and development;

(d) Financial and other arrangements;

(e) Any other matters pertaining to the development of the site which the Secretary-General feels the General Assembly should consider at its next regular session.

2. In carrying out the responsibilities set forth in paragraph 1 of this resolution, the Secretary-General shall be assisted by:

(a) An advisory committee consisting of representatives of the following Members:

Australia, Belgium, Brazil, Canada, China, Colombia, France, Greece, India, Norway, Poland, Syria, United Kingdom, United States of America, Union of Soviet Socialist Republics and Yugoslavia.

(b) Consultants and experts who, at the request of the Secretary-General, shall be designated by the Government of the United States of America, or by Governments of other Member States, or local authorities.

Arrangements Required as a Result of the Establishment of the Permanent Headquarters of the United Nations in the United States

[This resolution authorizes the Secretary-General to negotiate and conclude with the United States an agreement concerning the arrangements required as a result of the establishment of the permanent headquarters of the United Nations in New York City. It was adopted by the General Assembly on December 14, 1946 by a vote of 50 in favor and one abstention.]

THE GENERAL ASSEMBLY takes note of the Joint Report by the Secretary-General and the Negotiating Committee on the negotiations with the authorities of the United States of America concerning the arrangements required as a result of the establishment of the seat of the United Nations in the United States of America (documents A/67 and A/67/Add.1).

THE GENERAL ASSEMBLY, having decided that the permanent headquarters of the United Nations shall be located in the City of New York, recognizes that any agreement with the United States relating to the permanent headquarters will need to be adapted to the circumstances of this site.

THEREFORE THE GENERAL ASSEMBLY RESOLVES:

1. That the Secretary-General be authorized to negotiate and conclude with the appropriate authorities of the United States of America an agreement concerning the arrangements required as a result of the establishment of the permanent headquarters of the United Nations in the City of New York.
2. That in negotiating this agreement the Secretary-General shall be guided by the provisions of the draft agreement set forth in document A/67.
3. That the agreement referred to in paragraph 1 shall not come into force until approved by the General Assembly.
4. That, pending the coming into force of the agreement referred to in paragraph 1, the Secretary-General be authorized to negotiate and conclude arrangements with the appropriate authorities of the United States of America to determine on a provisional basis the privileges, immunities and facilities needed in connection with the permanent headquarters by the United Nations. In negotiating these arrangements, the Secretary-General shall be guided by the provisions of the draft agreement set forth in document A/67.
5. That the Government of the United States of America be requested to take the necessary steps as soon as possible to put into effect the Convention on the Privileges and Immunities of the United Nations, and to give effect to such arrangements as may be reached in accordance with paragraph 4 of this Resolution.

2. Address by President Harry S. Truman to the General Assembly, October 23, 1946



On behalf of the Government and the people of the United States I extend a warm welcome to the delegates who have come here from all parts of the world to represent their countries at this meeting of the General Assembly of the United Nations.

I recall with great pleasure the last occasion on which I met and spoke with the representatives of the United Nations. Many of you who are here today were present then. It was the final day of the conference at San Francisco, when the United Nations Charter was signed. On that day the constitutional foundation of the United Nations was laid.

For the people of my country this meeting has a special historic significance. After the first World War the United States refused to join the League of Nations, and our seat was empty at the first meeting of the League Assembly. This time the United States is not only a member; it is host to the United Nations.

I can assure you that the Government and the people of the United States are deeply proud and grateful that the United Nations has chosen our country for its headquarters. We will extend the fullest measure of cooperation in making a home for the United Nations in this country. The American people welcome the delegates and the Secretariat of the United Nations as good neighbors and warm friends.

This meeting of the Assembly symbolizes the abandonment by the United States of a policy of isolation.

The overwhelming majority of the American people, regardless of party, support the United Nations.

They are resolved that the United States, to the full limit of its strength, shall contribute to the establishment and maintenance of a just and lasting peace among the nations of the world.

However, I must tell you that the American people are troubled by the failure of the Allied nations to make more progress in their common search for lasting peace.

It is important to remember the intended place of the United Nations in moving toward this goal. The United Nations—as an organization—was *not* intended to settle the problems arising immediately out of the war. The United Nations *was* intended to provide the means for maintaining international peace in the future after just settlements have been made.

The settlement of these problems was deliberately consigned to negotiations among the Allies, as distinguished from the United Nations. This was done in order to give the United Nations a better opportunity and a freer hand to carry out its long-range task of providing peaceful means for the adjustment of future differences, some of which might arise out of the settlements made as a result of this war.

The United Nations cannot, however, fulfil adequately its own responsibilities until the peace settlements have been made and unless these settlements form a solid foundation upon which to build a permanent peace.

I submit that these settlements, and our search for everlasting peace, rest upon the four essential freedoms.

These are freedom of speech, freedom of religion, freedom from want, and freedom from fear. These are fundamental freedoms to which all the United Nations are pledged under the Charter.

To the attainment of these freedoms—everywhere in the world—through the friendly cooperation of all nations, the Government and people of the United States are dedicated.

The fourth freedom—freedom from fear—means, above all else, freedom from fear of war.

This freedom is attainable *now*.

Lately we have all heard talk about the possibility of another world war. Fears have been aroused all over the world.

These fears are unwarranted and unjustified.

However, rumors of war still find willing listeners in certain places. If these rumors are not checked they are sure to impede world recovery.

I have been reading reports from many parts of the world. These reports all agree on the major point—the people of every nation are sick of war. They know its agony and its futility. No responsible government can ignore this universal feeling.

The United States of America has no wish to make war, now or in the future, upon any people anywhere in the world. The heart of our foreign policy is a sincere desire for peace. This nation will work patiently for peace by every means consistent with self-respect and security. Another world war would shatter the hopes of mankind and completely destroy civilization as we know it.

I am sure that every delegate in this hall will join me in rejecting talk of war. No nation wants war. Every nation needs peace.

To avoid war and rumors and danger of war, the peoples of all countries must not only cherish peace as an ideal but they must develop means of settling conflicts between nations in accordance with principles of law and justice.

The difficulty is that it is easier to get people to agree upon peace as an ideal than to agree upon principles of law and justice or to agree to subject their own acts to the collective judgment of mankind.

But difficult as the task may be, the path along which agreement may be sought with hope of success is clearly defined.

In the first place, every member of the United Nations is legally and morally bound by the Charter to keep the peace. More specifically, every member is bound to refrain in its international relations from the threat or use of force against the territorial integrity or political independence of any state.

In the second place, I remind you that 23 members of the United Nations have bound themselves by the Charter of the Nuremberg Tribunal to the principle that planning, initiating, or waging a war of aggression is a crime against humanity for which individuals as well as states shall be tried before the bar of international justice.

The basic principles upon which we are agreed go far, but not far enough, in removing fear of war from the world. There must be agreement upon a positive, constructive course of action as well.

The peoples of the world know that there can be no real peace unless it is peace with justice for all—justice for small nations and for large nations, and justice for individuals without distinction as to race, creed, or color—a peace that will advance, not retard, the attainment of the four freedoms.

We shall attain freedom from fear when every act of every nation, in its dealings with every other nation, brings closer to realization the other freedoms—freedom of speech, freedom of religion, and freedom from want. Along this path we can find justice for all, without distinction between the strong and the weak among nations, and without discrimination among individuals.

After the peace has been made, I am convinced that the United Nations can and will prevent war between nations and remove the fear of war that distracts the peoples of the world and interferes with their progress toward a better life.

The war has left many parts of the world in turmoil. Differences have arisen among the Allies. It will not help us to pretend that this is not the case. But it is not necessary to exaggerate the differences.

For my part, I believe there is no difference of interest that need stand in the way of settling these problems and settling them in accordance with the principles of the United Nations Charter. Above all, we must not permit differences in economic and social systems to stand in the way of peace, either now or in the future. To permit the United Nations to be broken into irreconcilable parts by different political philosophies would bring disaster to the world.

So far as Germany and Japan are concerned, the United States is resolved that neither shall again become a cause for war. We shall continue to seek agreement upon peace terms which insure that both Germany and Japan remain disarmed, that Nazi influence in Germany be destroyed, and that the power of the war lords in Japan be eliminated forever.

The United States will continue to seek settlements arising from the war that are just to all states, large and small, that uphold the human rights and fundamental freedoms to which the Charter pledges all its members, and that do not contain the seeds of new conflicts.

A peace between the nations based on justice will make possible an early improvement in living conditions throughout the world and a quick recovery from the ravages of war. The world is crying for a just and durable peace with an intensity that must force its attainment at the earliest possible date.

If the members of the United Nations are to act together to remove the fear of war, the first requirement is for the Allied nations to reach agreement on the peace settlements.

Propaganda that promotes distrust and misunderstanding among the Allies will not help us. Agreements designed to remove the fear of war can be reached only by the cooperation of nations to respect the legitimate interests of all states and act as good neighbors toward each other.

Lasting agreements between allies cannot be imposed by one nation nor can they be reached at the expense of the security, independence, or integrity of any nation. There must be accommodation by all the Allied nations in which mutual adjustments of lesser national interests are made in order to serve the greater interest of all in peace, security, and justice.

This Assembly can do much toward recreating the spirit of friendly cooperation and toward reaffirming those principles of the United Nations which must be applied to the peace settlements. It must also prepare and strengthen the United Nations for the tasks that lie ahead after the settlements have been made.

All member nations, large and small, are represented here as equals. Wisdom is not the monopoly of strength or size. Small nations can contribute equally with the large nations toward bringing constructive thought and wise judgment to bear upon the formation of collective policy.

This Assembly is the world's supreme deliberative body.

The highest obligation of this Assembly is to speak for all mankind in such a way as to promote the unity of all members in behalf of a peace that will be lasting because it is founded upon justice.

In seeking unity we should not be concerned about expressing differences freely. The United States believes that this Assembly should demonstrate the importance of freedom of speech to the cause of peace. I do not share the view of any who are fearful of the effects of free and frank discussion in the United Nations.

The United States attaches great importance to the principle of free discussion in this Assembly and in the Security Council. The free and direct exchange of arguments and information promotes understanding and therefore contributes, in the long run, to the removal of the fear of war and some of the causes of war.

The United States believes that the rule of unanimous accord among the five permanent members of the Security Council imposes upon these members a special obligation. This obligation is to seek and reach agreements that will enable them and the Security Council to fulfil the responsibilities they have assumed under the Charter toward their fellow members of the United Nations and toward the maintenance of peace.

It is essential to the future of the United Nations that the members should use the Council as a means for promoting settlement of disputes as well as for airing them. The exercise of neither veto rights nor majority rights can make peace secure. There is no substitute for agreements that are universally acceptable because they are just to all concerned. The Security Council is intended to promote that kind of agreement and it is fully qualified for that purpose.

Because it is able to function continuously, the Security Council represents a most significant development in international relations—the continuing application of the public and peaceful methods of a council chamber to the settlement of disputes between nations.

Two of the greatest obligations undertaken by the United Nations toward the removal of the fear of war remain to be fulfilled.

First, we must reach an agreement establishing international controls of atomic energy that will insure its use for peaceful purposes only, in accordance with the Assembly's unanimous resolution of last winter.

Second, we must reach agreements that will remove the deadly fear of other weapons of mass destruction, in accordance with the same resolution.

Each of these obligations is going to be difficult to fulfil. Their fulfilment will require the utmost in perseverance and good faith, and we cannot succeed without setting fundamental precedents in the law of nations. Each will be worth everything in perseverance and good faith that we can give to it. The future safety of the United Nations, and of every member nation, depends upon the outcome.

On behalf of the United States I can say we are not discouraged. We shall continue to seek agreement by every possible means.

At the same time we shall also press for preparation of agreements in order that the Security Council may have at its disposal peace forces adequate to prevent acts of aggression.

The United Nations will not be able to remove the fear of war from the world unless substantial progress can be made in the next few years toward the realization of another of the four freedoms—freedom from want.

The Charter pledges the members of the United Nations to work together toward this end. The structure of the United Nations in this field is now nearing completion, with the Economic and Social Council, its commissions, and related specialized agencies. It provides more complete and effective institutions through which to work than the world has ever had before.

A great opportunity lies before us.

In these constructive tasks which concern directly the lives and welfare of human beings throughout the world, humanity and self-interest alike demand of all of us the fullest cooperation.

The United States has already demonstrated in many ways its grave concern about economic reconstruction that will repair the damage done by war.

We have participated actively in every measure taken by the United Nations toward this end. We have in addition taken such separate national action as the granting of large loans and credits and renewal of our reciprocal trade-agreements program.

Through the establishment of the Food and Agriculture Organization, the International Bank for Reconstruction and Development, and the International Monetary Fund, members of the United Nations have proved their capacity for constructive cooperation toward common economic objectives. In addition, the International Labor Organization is being brought into relationship with the United Nations.

Now we must complete the structure. The United States attaches the highest importance to the creation of the International Trade Organization now being discussed in London by a preparatory committee.

This country wants to see not only the rapid restoration of devastated areas but the industrial and agricultural progress of the less well-developed areas of the world.

We believe that all nations should be able to develop a healthy economic life of their own. We believe that all peoples should be able to reap the benefits of their own labor and of their own natural resources.

There are immense possibilities in many parts of the world for industrial development and agricultural modernization.

These possibilities can be realized only by the cooperation of Members of the United Nations, helping each other on a basis of equal rights.

In the field of social reconstruction and advancement the completion of the charter for a world health organization is an important step forward.

The Assembly now has before it for adoption the constitution of another specialized agency in this field—the International Refugee Organization. It is essential that this Organization be created in time to take over from UNRRA as early as possible in the new year the tasks of caring for and repatriating or resettling the refugees and displaced persons of Europe. There will be similar tasks, of great magnitude, in the Far East.

The United States considers this a matter of great urgency in the cause of restoring peace and in the cause of humanity itself.

I intend to urge the Congress of the United States to authorize this country to do its full part both in financial support of the International Refugee Organization and in joining with other nations to receive those refugees who do not wish to return to their former homes for reasons of political or religious belief.

The United States believes a concerted effort must be made to break down the barriers to a free flow of information among the nations of the world.

We regard freedom of expression and freedom to receive information—the right of the people to know—as among the most important of those human rights and fundamental freedoms to which we are pledged under the United Nations Charter.

The United Nations Educational, Scientific and Cultural Organization, which is meeting in November, is a recognition of this fact. That Organization is built upon the premise that since wars begin in the minds of men, the defense of peace must be constructed in the minds of men, and that a free exchange of ideas and knowledge among peoples is necessary to this task. The United States therefore attaches great importance to all activities designed to break down barriers to mutual understanding and to wider tolerance.

The United States will support the United Nations with all the resources that we possess.

The use of force or the threat of force anywhere in the world to break the peace is of direct concern to the American people.

The course of history has made us one of the stronger nations of the world. It has therefore placed upon us special responsibilities

to conserve our strength and to use it rightly in a world so interdependent as our world today.

The American people recognize these special responsibilities. We shall do our best to meet them, both in the making of the peace settlements and in the fulfilment of the long-range tasks of the United Nations.

The American people look upon the United Nations not as a temporary expedient but as a permanent partnership—a partnership among the peoples of the world for their common peace and common well-being.

It must be the determined purpose of all of us to see that the United Nations lives and grows in the minds and the hearts of all peoples.

May Almighty God, in His infinite wisdom and mercy, guide us and sustain us as we seek to bring peace everlasting to the world.

With His help we shall succeed.

3. Address by the Honorable Warren R. Austin to the General Assembly, October 30, 1946



At the outset of what I have to say to the General Assembly I must refer briefly to the address made yesterday by the Representative of the Union of Soviet Socialist Republics.

Mr. Molotov's speech indicated distrust and misunderstanding of the motives of the United States and of other Members of the United Nations. I do not believe that recriminations among nations allied in war and in peace promote that unity which Mr. Molotov so rightly points out is essential to the success of the United Nations.

In war we gave to our allies all the help and cooperation a great nation could. In peace the "United States will support the United Nations with all the resources we possess".

Our motives in war and peace we leave to the judgment of history. We fought for *freedom* side by side without recrimination. Can't we fight for *peace* side by side without recrimination? That closes the sad chapter so far as we are concerned.

I shall not participate in any exchange of recriminations.

We welcome the confidence expressed by Mr. Molotov that unanimous agreement among all the nations both large and small can be achieved on such vital matters as the control of atomic energy and on steps to lighten the burden of armaments and military expenditures which still rests so heavily upon the peoples of the world.

The United States urges disarmament.

The United States believes that Mr. Molotov's proposal should be placed in our agenda and fully considered and discussed.

The initiative of the Soviet Union in this matter is appropriate, because of its mighty armies; just as the initiative of the United States was appropriate in proposing measures to prevent the manufacture and use of atomic weapons.

In November 1945 the United States took the initiative for outlawing the atomic bomb in the conversations at Washington among President Truman, Prime Minister Attlee and Prime Minister MacKenzie King. At Moscow in December 1945, the following month, conversations were held between Mr. Byrnes, Mr. Molotov, and Mr. Bevin on this subject. In this Assembly last January the resolution creating the Atomic Energy Commission and establishing its terms of ref-

erence was unanimously adopted. Since then in the Commission itself the distinguished United States Representative, Mr. Bernard M. Baruch, presented proposals expressing the policy of the President of the United States.

The United States goes further. As President Truman emphasized again last week, it attaches the greatest importance to reaching agreements that will remove the deadly fear of other weapons of mass destruction in accordance with the same resolution passed by this Assembly.

So far as Mr. Molotov's resolution concerns the regulation and reduction of other armaments, the whole world knows where the United States stands and has always stood. For 20 years before the war and in the 15 months since the fighting stopped, the United States has consistently been in the forefront of those striving to reduce the burden of armaments upon the peoples of the world. Since the end of the war in Europe and the Pacific, the United States has progressively and rapidly reduced its military establishment.

After the last war we made the mistake of disarming unilaterally. We shall not repeat that mistake.

The United States is prepared to cooperate fully with all other Members of the United Nations in disarmament. It advocates effective safeguards by way of inspection and other means to protect complying States against the hazards of violation and evasion.

We cannot reduce armaments merely by talking about the "regulation of armaments and possible disarmament", or the "heavy economic burden caused by excessive expenditures for armaments". We cannot achieve it without positive acts which will establish the "peaceful post-war conditions" to which Mr. Molotov also referred.

Nor can a system for the regulation of armaments and possible disarmament as contemplated in articles 11, 26, and 47 of the Charter be effectively planned except in relation to progress in the negotiation of the armed-forces agreements called for by article 43. At the beginning of April, four of the five members of the Military Staff Committee made specific proposals concerning the principles which should govern the negotiation of these agreements. In September the Soviet Union submitted for the first time a statement of its views on the problem.

I am happy to note that Mr. Molotov referred to the work of the Military Staff Committee. I hope it will now be possible for this Committee to make rapid progress. The conclusion of these agreements, providing the Security Council with peace forces adequate to prevent acts of aggression, is essential to carrying out the objectives of Mr. Molotov's resolution for the reduction of armaments.

Mr. Molotov also referred to article 43 in connection with the Soviet proposal concerning the presence of armed forces of the United Nations on foreign territories. He said, "In this connection it is natural that the Security Council should know the actual situation, namely, where and what armed forces of the United Nations are situated at present outside the confines of their countries . . . For its part the Soviet Union is prepared to submit this information to the Security Council."

The Government of the United States understands Mr. Molotov's statement to mean that the Soviet Union is fully prepared to report on its armed forces in ex-enemy states as well as in other foreign territories. Therefore, the United States urges prompt fulfilment of this policy. The United States has nothing to hide with regard to our armed forces at home or abroad. The United States will promptly fulfil that policy. In no case are the United States forces in friendly countries except with the consent of those countries.

It is our opinion that the proposed inquiry should include all mobilized armed forces, whether at home or abroad.

The President of the United States in his address to the General Assembly at its opening meeting defined the policies of the United States toward the United Nations and the work of the Assembly.

As the general debate has progressed, I have been increasingly moved by the potentialities that I perceive in this Assembly for advancing toward a real and lasting peace.

Its members have pointed to the vision of President Truman of a "peace with justice for all—justice for small nations and for large nations, and justice for individuals without distinction as to race, creed, or color—a peace that will advance, not retard, the attainment of the four freedoms."

United in this aspiration we are united in our service. From disagreement we forge agreement. From free and frank discussion of differing points of view we extract the degree of unity necessary for constructive action. It would help us if we make always our chief concern *what is right, not who is right*.

There is an injunction contained in the Constitution of Vermont—my native state. It calls for "a frequent recurrence to fundamental principles."

It seems to me that, before this general debate comes to an end, it would be helpful for us all to recur to the fundamental principles of the United Nations.

The reports that we have before us from the Secretary-General, the Security Council, and the Economic and Social Council refer to some discouraging things and many difficulties in the record of the United

Nations during the past year. Some of the speakers have referred at length to these disappointments and difficulties.

To me the real story related by these reports is the immense sum of accomplishment and agreement that the United Nations has achieved in one year under all the handicaps of a world in turmoil and just emerging from the disasters and desolation of the war.

In one year we have advanced toward a rule of world law and have created institutions for international action far beyond the dreams of any one of us as recently as September 1, 1939, June 22, 1941, and December 7, 1941.

So I say—let us review the theory and practice of the Security Council and the Economic and Social Council, their powers and their work, without evasion, but let us review them in perspective and as a whole and in relation to the powers and work of all the other agencies and institutions of the United Nations.

Australia and Cuba have proposed discussion of article 27, relating to voting procedures in the Security Council. Let us consider article 27, but let us consider it in relation to the other 110 articles of the Charter of the United Nations. We cannot tear article 27 from its context.

A recurrence to first principles of the United Nations starts with the necessity for unity of the large nations on matters essential to the maintenance of peace among the nations, both great and small.

I recall to the Assembly that the spirit of unity of the nations which became permanent members of the Security Council animated the nativity of the United Nations. The united and coordinated action of the great powers in winning the war and in generating the principle of an international organization for security and peace based on the sovereign equality of all peace-loving nations, both great and small, was the travail of the United Nations.

The remedy for the labor pains at Moscow, at Dumbarton Oaks, at Yalta, and at San Francisco was the unanimity of the Great Powers. The principle of unanimity in essential matters reflects the realities of the world as it is today. At the same time it provides the basis for a lasting peace during which all nations can, we hope, work together toward transforming the kind of world we have today into a true world society for tomorrow. Certainty of abolition of war depends upon cooperation by all countries competent to wage war.

The United Nations was created with the purpose of making it unnecessary for the civilized world to resort again to the ultimate sanction of war against an aggressor, with all its bloody sacrifices and terrible costs to humanity. Toward the fulfilment of this purpose the Security Council has been assigned a limited part of the responsibilities placed upon the United Nations by the Charter.

Let me remind you that article 1 of chapter I of the Charter lists four purposes of the United Nations, and of these the primary responsibility for only the first—to maintain international peace and security—rests with the Security Council.

The other purposes as stated by the Charter are:

“To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;

“To achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and

“To be a center for harmonizing the actions of nations in the attainment of these common ends.”

The primary responsibility for the fulfilment of these other purposes rests with the other organs of the United Nations: The General Assembly, the Economic and Social Council, the Trusteeship Council, the Secretariat, and the specialized agencies related to the central organization. The International Court of Justice has the responsibility of applying international law established by the United Nations Charter and in other ways, and as it is progressively extended by the nations in the new agreements they will reach through the continuing use of all the other organs of the United Nations.

These are the tasks of building the basis for a peaceful world society—the political basis, the economic basis, the social and cultural basis, the basis of knowledge and understanding, the basis of law.

Of all the institutions of the United Nations the General Assembly is by its constitutional functions and its potentialities the most important. It has responsibilities for carrying out *all* the purposes of the United Nations.

The General Assembly is the supreme deliberative body of the world community. Although it is not a legislative body enacting laws which must be obeyed by the member states, it exercises great responsibilities and wields great power.

The Assembly is responsible for carrying out the organization of the United Nations as laid down by the Charter. It has already accomplished at the first part of this session many of these organizational tasks.

The Assembly also has the power of the purse. This is a vital power in any governmental entity. Its control of the budget will become more significant as the activities of the United Nations are increased

by the addition of new functions and the expansion of existing programs.

The General Assembly wields power primarily as the voice of the conscience of the world. Its recommendations have behind them the intangible force of the international community. The peace-loving states which are Members of the United Nations will not lightly disregard or flout recommendations of the General Assembly which express the will of an alert and aroused world public opinion. Even when it makes no recommendations, its mere power of discussion under articles 10, 11, and 14 of any matter within the scope of the Charter and of any situation, regardless of origin, which may impair the general welfare, is one of the most constructive functions in the whole organization. By discussion it can clarify the issues and promote mutual understanding among the nations and peoples of the world.

Under the broad and flexible construction of the Charter which the United States wishes to develop, we foresee a great and expanding area of operations for the General Assembly. I need not quote in detail the broad range of the Assembly's competence as it is established in chapter IV of the Charter—in questions involving the maintenance of peace and security; international political and legal cooperation; the coordination of international activities in economic, social, educational, and health matters; and in the domain of the realization of human rights and fundamental freedoms for all. In all these fields the General Assembly speaks as the voice of all the United Nations and establishes the general goals or objectives toward which the organization and all its component parts will move.

The General Assembly must also exercise definitive powers, such as the determination of the location of the headquarters, and the approval of agreements relating to the powers of the organs and special agencies of the United Nations.

The General Assembly will, we believe, explore new fields of activity as time goes on and as functions which may not be specifically provided for in the Charter but which are not precluded by the Charter are entrusted to it by the members of the United Nations. The General Assembly has only just begun its career as the most broadly representative organ of the United Nations. The final extent of its development cannot even be foreseen at this time; but there can be no doubt that it has a vast and increasingly important position to fill in the international community.

These possibilities will be realized to the extent that the Assembly exercises its very broad competence in strict accordance with the fundamental purpose of the United Nations set forth in article 1, paragraph 4—"to be a center for harmonizing the actions of nations in the attainment of these common ends". The Assembly's recommenda-

tions, particularly under articles 10, 11, 13, and 14, can greatly extend and develop the rule of law among nations, provided its recommendations are such that they are generally accepted and carried out by the member states.

All the actions of the Assembly in these broad fields are taken in accordance with article 18 of the Charter, which provides that, on important matters, a two-thirds majority of the members present and voting shall be required, while other questions are settled by a simple majority of the members present and voting.

It is obvious that recommendations of the Assembly will be effective in proportion to the size of the majority by which they are adopted.

As in the case of other organs of the United Nations, it is better for the Assembly to go to great lengths to attain, or at least approach, unanimity than it is to enact resolutions over the opposition of a large dissenting group.

The United Nations Charter recognizes the transcending importance to world peace of close cooperation in the economic and social field. In the Economic and Social Council, its subsidiary bodies, and the specialized agencies being brought into relationship with the Council, the United Nations has already created a far more effective and comprehensive institutional structure for these purposes than the world has even seen before.

In a recent address the Honorable John G. Winant, United States Representative on the Economic and Social Council, said: "Peace, if it is to be real and lasting, means more than resolving conflicts between nations. It means positive action to lift the levels of human welfare . . . In our age peace cannot be secured by political action unaccompanied by economic cooperation. If we are not to drift backward to catastrophe, we must go forward together toward a fuller life for all peoples everywhere."

We Americans represent many races and came from many countries. We could not have built one nation out of many peoples and have learned to live as good neighbors and members of one community without the opportunities for a decent life and rising standards of living that nature and the course of history have given us, or without the spirit of the Golden Rule to guide our conduct toward each other.

We, the representatives of the United Nations, can never forget that wars find their breeding ground in poverty, ignorance, and hunger. That is what gives aggressors their chance. Strong men gain power by contrasting a new order with the old. We cannot build a peaceful world without higher standards of living and greater opportunities for all peoples.

Decisions in the Economic and Social Council are taken by a simple majority vote, but here, as in the Assembly, the constant effort has

been and should be to achieve the greatest possible degree of unanimity, rather than to achieve victories based on narrow majority votes. It is not votes that count but agreements that are or will become universally acceptable, because they are necessary and right for the peoples of the world.

Considering that the Council has been at work for less than one year, it has made a remarkable record. Like the other organs, its organizational work has been a necessary preliminary toward making it possible for the United Nations to move ahead toward the realization of the purpose set forth in article 55 of the Charter—"higher standards of living, full employment, and conditions of economic and social progress and development".

At this session of the Assembly we are called upon to examine and approve agreements which bring four important specialized agencies into relationship with the United Nations—the International Labor Organization, the Food and Agriculture Organization, the United Nations Educational, Scientific, and Cultural Organization, and the International Civil Aviation Organization.

In the constructive work of the specialized agencies, the decisions of their policy-making bodies are for the most part taken by a simple or two-thirds majority.

The great flexibility of the constitutional structure of the United Nations will facilitate the development of other special agencies for international action as their creation becomes wise and feasible. Each of these agencies can be endowed by its own Charter with powers in its own field as great as the community of nations is willing to give and as necessity compels it to give.

The proposal of the United States with respect to the establishment of an International Atomic Development Authority is an example of what can be done in this way. We propose that the Charter of this Authority will endow it with power sufficient to ensure that atomic energy will be developed and used for peaceful purposes only and that complying states will be protected against the hazards of violations and evasions. This is in accordance with the Assembly's resolution of last January.

I wish also to make clear that the position which I am taking today in regard to the unanimity of the permanent members of the Security Council is entirely consistent with the position taken by the United States Representative on the Atomic Energy Commission, Mr. Bernard M. Baruch, who repeatedly has made clear that the United States proposals regarding control of atomic energy do not attack the general requirements for unanimity of the permanent members in the Security Council.

The International Court of Justice is now established as one of the principal organs of the United Nations and is potentially one of the greatest of international institutions. It is given a clearly defined role in the process of pacific settlement, namely, that of deciding disputes of a legal character which states submit to it. The Court has a second and even greater function. It stands as the institutional symbol of the rule of law in international relations.

Progress is being made through increasing acceptances of the Court's jurisdiction under paragraph 2 of article 36 of the Statute of the Court. By accepting compulsory jurisdiction over justiciable disputes the nations give practical recognition to the principle of the supremacy of law. I am proud that the United States has been among the first to accept the compulsory jurisdiction of the present court.

Progress is also being made by widening the scope of matters which may be deemed legal and limiting the questions regarded as political and non-justiciable. This is being accomplished through the willingness of states to accept solutions based on law and to cooperate in the development of peaceful judicial procedures which can assure that the law will be based on justice and equity.

The Charter of the United Nations and the constitutions of the specialized agencies form a network of legal obligations which guide and regulate the dealings of states with each other and the actions of the international community.

By article 13 the General Assembly is specifically charged with the task of initiating studies and making recommendations for the further development of international law. But the establishment of standards of justice and equity for the international community is the concern of all the organs and related agencies of the United Nations. Every recommendation that is ratified by the member governments as a convention, agreement, or treaty becomes part of the law of nations.

There is another provision of the Charter to which I wish to call the Assembly's attention. That is article 99, which gives to the Secretary-General, in addition to his wide administrative powers, unprecedented political responsibilities. Under article 99 the Secretary-General may bring to the attention of the Security Council any matter which, in his opinion, may threaten the maintenance of international peace.

While the ultimate significance of this grant of political authority remains in large part to be determined by future events, I believe that the less patient critics of the United Nations might do well to consider the full implications of this authority.

We need not await its full implementation to recognize that the power of the Secretary-General to study conditions which in his

opinion threaten the peaceful relations of the Members of the United Nations and to make recommendations based on his findings represents a significant departure from the usual concepts of international organization and national sovereignty.

The Secretary-General's right of access to the forces of public opinion—even if we adopt such a restricted interpretation of this authority—is a vital responsibility which distinguishes the United Nations from its predecessor international organizations.

Less obvious, but perhaps equally important, is the function of the Secretary-General and his staff to serve as a cohesive and coordinating force in the preparation of studies and proposals for the several organs by suggesting compromises or techniques for dealing with matters under discussion and by acting as an intermediary or conciliator. Many of these activities will never be a part of the official record, but the ability of the Secretary-General and his staff to function effectively in this manner will have an important bearing on the development of the United Nations.

Members of the United Nations are pledged under the Charter to accept as a sacred trust the obligation to promote the interests and well-being of the inhabitants of all non-self-governing territories. In addition the Charter provides for a Trusteeship System for such territories as may be placed under it by agreement. The human rights and fundamental freedoms of the Charter apply equally to all peoples—to peoples who do not yet govern themselves as well as to those who do.

Draft trusteeship agreements have been submitted to this Assembly by nations administering League of Nations mandates. The United States hopes that a sufficient number of these agreements will be approved by the Assembly to make possible the immediate establishment of the Trusteeship Council and the Trusteeship System. The structure of the United Nations cannot be completed until this is done.

The fullest possible implementation of the Charter provisions that deal with all non-self-governing peoples is just as important as implementation of the Trusteeship System itself. In its first years at least, the Trusteeship System will probably apply to only a small percentage of the non-self-governing territories.

The provisions of the Charter recognize that the economic, social, and political development of dependent peoples toward their full participation in the family of nations must be advanced if peace is to be made secure. The Charter and the institutions of the United Nations provide greater opportunities to that end than dependent peoples have ever had before.

In considering both the Australian proposal and the Cuban proposal in this Assembly we bear in mind the whole constitutional and in-

stitutional structure of the United Nations and their relationship to the political realities of today and the political necessities of tomorrow.

These proposals are directed against paragraph 3 of article 27 of the Charter. This provides that on all, except procedural matters, decisions of the Security Council shall be made by an affirmative vote of seven members, including the concurring votes of the permanent members, with one important exception—that a party to a dispute shall abstain from voting in decisions relating to the pacific settlement of disputes. In decisions under chapter VII relating to enforcement action with respect to threats to the peace, breaches of the peace, and acts of aggression, the rule of unanimity of the permanent members is absolute. There is no exception in matters of enforcement.

The principle of unanimity of the great powers has from the first—and by general agreement—been limited in its application as a voting procedure to matters essential to the maintenance of international peace and security. The Charter requires unanimity of the major powers only in substantive decisions by the Security Council. There is no requirement for unanimity in the Assembly, in the Economic and Social Council, and in the Trusteeship Council. Similarly, the Statute of the International Court of Justice specifically provides for decisions by majority vote. The United Nations specialized agencies do not require unanimity of the major powers.

This does not mean that unanimity or the closest possible approximation to it is not to be desired and striven for in all these agencies. It means only that it was not deemed essential to apply the principle to the voting procedures. The greatest possible degree of agreement in all these organs and agencies is most important, for through them laws and customs of the international community are made.

These organs and agencies do not have the power to enforce the law. That power rests with the Security Council, and that is the reason why the Members of the United Nations applied the principle of unanimity to the voting procedures of the Security Council and not to the voting procedures in any of the other institutions of the United Nations.

The large nations that are permanent members of the Council possess the power to keep peace in the world—to enforce observance of the law. The Charter does not give them that power. It recognizes that power and places obligations upon these nations to use that power in accordance with the law.

The unanimity requirement in the Security Council does not relieve the permanent members from any of the responsibilities and obligations they have assumed under the Charter. I have heard it said by critics of the unanimity formula that it legalizes aggression by a

permanent member because that member can prevent enforcement action against itself. Of course this formula does no such thing.

The permanent members are bound legally and morally in the same degree as all other Members of the United Nations "to settle their international disputes by peaceful means in such a manner that international peace and security, and justice are not endangered". In the same degree as all the other Members they are bound to "refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations". These sweeping and binding commitments are not limited by the power of veto in the Security Council. The veto does not legalize any violations of these commitments. They are the law.

No Member of the United Nations can be permitted to ignore the fact that, as Secretary Byrnes said on February 28, 1946, "the mere legal veto by one of the permanent members of the Council does not in fact relieve any state, large or small, of its moral obligations to act in accordance with the purposes and principles of the Charter". Nor does the failure of any organ of the United Nations to take a decision relieve any Member of that obligation.

Besides being bound by the law of the United Nations Charter, 23 nations, including the United States, Soviet Russia, the United Kingdom, and France, are also bound by the law of the Charter of the Nuremberg Tribunal. It makes planning or waging a war of aggression a crime against humanity for which individuals as well as nations can be brought before the bar of international justice, tried, and punished.

It is true that if one of the Great Powers violates the law of the Charter and the law of Nuremberg against aggression there is, ultimately, only one way to enforce the law—and that is by a major war. That, however, would be just as true if the Charter did not require unanimity in the Security Council. A decision involving military measures against one or more of the permanent members by other permanent members would not be a decision for police action as the Charter contemplates it, but for war.

I believe I have made clear the reasons why the United States considers that unanimity of the permanent members of the Security Council in action by the Council concerned with the enforcement of peace is wise and necessary at this stage in the development of the international community.

Criticism of article 27 is directed particularly at the fact that the requirement of unanimity of the permanent members extends to decisions concerning peaceful settlement as well as to enforcement action.

It is true that the requirement of unanimity tends to reduce the

speed of action of the Security Council and increases the difficulties in the way of adopting a clear-cut decision. It may even prevent action which might peacefully settle a dispute.

On the other hand, the unanimity requirement tends to discourage the taking of intransigent positions and to encourage the achievement of agreement through compromise. Certainty is better than speed. In the long run important decisions unanimously accepted by the permanent members are likely to produce better results than decisions which find the permanent members divided. The unanimity requirement—properly applied—prevents the Security Council from being progressively committed to a course of action inconsistent with the vital interests of any permanent member.

It was these latter considerations—among others—that prevailed at San Francisco. In the Four-Power statement of June 7, 1945, to which France later agreed, the permanent members took the position that substantive decisions on peaceful settlement require the concurrence of the permanent members of the Council because of the possible consequences of those decisions. It was believed they might have major political repercussions and might initiate a chain of events which in the end would require the Security Council to invoke measures of enforcement under chapter VII.

It was held that since the Council cannot take enforcement action without the concurrence of all the permanent members, it might endanger the effectiveness of the Council's work, if decisions under chapter VI that might lead to the necessity for enforcement action under chapter VII were taken by a vote which found the permanent members divided.

Despite the attitude of the five powers and the decisions made at San Francisco, which I have described, the United States *hopes* that the five permanent members may find it desirable at some time in the future, in full agreement among themselves and with other members, to support modification of the unanimity requirement in its application to matters arising under chapter VI.

However, a case for amendment of the Charter ought not be made on the basis of so brief an experience. The United States is opposed to amendment of article 27 of the Charter at this time.

We must recognize that during its first nine months the Security Council has labored under unusually difficult circumstances. In its infancy, before it had established its rules and its precedents, the Council was forced to consider substantial differences among the permanent members about problems arising directly from the war.

We must remember that the Security Council—and the United Nations as a whole—was not intended to deal with the peace settlements that must be made as a result of the war. These settlements, both with

the ex-enemy states and among the major allies themselves, were left to separate negotiation. Until they have been made, differences among the major allies about the terms of settlement inevitably will handicap the work of the Security Council. As these settlements are made, we can expect that the areas of present disagreement among the permanent members will be greatly reduced.

The United States does recognize that there is room for improvement in the operations of the Security Council. There is room for improvement in the application of article 27 and of the Four-Power statement in the Security Council. There can be little doubt that a number of the difficulties which have arisen could have been avoided if the voting formula adopted at San Francisco had been more fully and clearly defined.

There has been confusion and misunderstanding both within and without the Security Council.

Necessary action by the Council for the peaceful settlement of a dispute should never be prevented by the votes of any one or any number of its members, permanent or non-permanent. In this connection, we should not forget that the non-permanent members possess six votes in the Council and that at least two of these votes are always necessary to action by the Council.

Restraint and self-discipline to avoid doing anything contrary to the letter or spirit of the Charter are essential in the application of the voting formula. This is one of the greatest challenges to conduct if we are to give strength to the United Nations for peace.

A program of interpretation and application of the voting principles which will facilitate and not hinder peaceful settlements should be pursued. Here is where clarification through discussions, definition, and regulation and practice are necessary to carry out the spirit as well as the letter of the Charter. This is a United States policy.

We would not have today the laws and the institutions of the United Nations without the unanimous agreement of the Great Powers and the general agreement of all nations. We must continue that unity.

As they stand these laws and institutions offer in their entirety far greater possibilities for the establishment of a just and lasting peace than humanity has ever known before.

We have hardly begun to explore and to exploit these possibilities. That they are virtually limitless can be perceived the moment we stand back far enough to get perspective.

The Charter and the institutions of the United Nations reflect the greatest common denominator of agreement now realizable in a world of sovereign states, with differences in ideology, political and economic systems, and cultural and social traditions.

Science and technology are uniting the world as it has never been united before. Fears and suspicions must not continue to divide the peoples of the world. We must use the institutions and laws of the United Nations to banish these fears and suspicions. So far as we succeed in doing this we shall succeed in creating a world society and a world rule of law in which the veto will wither away.

This may take a long time. But there is no short-cut, no magic formula, by which we can escape the price of peace.

Only by a frequent recurrence to fundamental principles will we give to the Charter a living spirit in the moral sense of nations and of the human race.

4. Address by Secretary of State James F. Byrnes to the General Assembly, December 13, 1946



The United States supports wholeheartedly the proposed resolutions. I first wish to congratulate the members of the Committee by reconciling their differences and reporting the resolutions. They have made a splendid contribution to the cause of peace. I have learned too of the splendid assistance rendered the Committee by the accomplished President of the Assembly, and I know you will all join me in expressing appreciation of the efforts of the distinguished representative of Belgium, Mr. Spaak.

Ever since the close of hostilities, it has been the policy of the United States to hasten the return of conditions of peace. We want to enable the fighting men of the United Nations to return to their homes and their families. We want to give the people of all lands the chance to rebuild what the war has destroyed. There need be no concern about the willingness of the American people to do everything within their power to rid themselves and the world of the burden of excessive armaments.

In the recent past, the concern of peace-loving nations has not been that America maintained excessive armaments. The concern has been that America failed to maintain adequate armaments to guard the peace. When Hitler started the world war in September 1939, Germany had been preparing for war for more than five years. But at that time, there were in active service of the United States in the Army, Navy and the Air Force, only 330,000 men. It was our military weakness, not our military strength, that encouraged Axis aggression.

After the first World War, Japan was given a mandate over strategically important islands in the Southwest Pacific which bound her to keep those islands demilitarized. Although the evidence showed that Japan was violating the terms of the mandate, the United States delayed in building bases on islands under her sovereignty in the Pacific. The result was that when the United States was treacherously attacked at Pearl Harbor, she had no adequately fortified base in the Pacific between Pearl Harbor and the Philippines. Japan's covenant not to use the mandated territories as military bases contained no safeguards to insure compliance. Japan's covenant misled the United States, but it did not restrain Japan. That was our mistake, and we do not intend again to make that mistake.

While before the second World War the peace-loving nations were seeking peace through disarmament, aggressor nations were building up their armaments. And all the while aggressor nations were building up armaments, they were claiming that they were being smothered and encircled by other nations. While we scrapped battleships, Japan scrapped blueprints. While we reduced our Army to the size of a large police force, Germany trained its youth for war.

Too late, those who had taken a leading part in the struggle for general disarmament before the second World War discovered that Axis agents were deliberately organizing and supporting disarmament movements in non-Axis countries in order to render those countries powerless to resist their aggression. Too late, those who had taken a leading part in the struggle for general disarmament discovered that it was not safe to rely upon any disarmament which is not collectively enforced and made a part of a system of collective security. It will take time, patience, and good will to achieve really effective disarmament. The difficulties are great and the complexities many. The defense needs of states vary greatly. The elements which make up the military strength of states likewise vary greatly and cannot readily be compared or appraised.

Effective disarmament cannot be secured by any simple mathematical rule. Demobilized divisions can be speedily recalled to the colors. But a scrapped plane or a scrapped battleship can never be recommissioned. Disarmament, to be effective, must look to the future. It is easy for us to see what folly it would have been when gunpowder was discovered, to start disarming by limiting the use of the bow and arrow.

We must see to it that disarmament starts with the major weapons of mass destruction. We must see to it that disarmament is general and not unilateral. We must see to it that disarmament rests not upon general promises which are kept by some states and ignored by other states. We must see to it that disarmament is accompanied by effective safeguards by way of inspection and other means under international control which will protect complying states against the hazards of violations and evasions.

We must see to it that these safeguards are so clear and explicit that there will be no question of the right of complying states, veto or no veto, to take immediate action in defense of the rule of law. No disarmament system which leaves law-abiding states weak and helpless in the face of aggression can ever contribute to world peace and security.

But in meeting the problems of disarmament, first things should come first. The first task which must be undertaken is the control of atomic energy to insure that it will be used only for human welfare

and not for deadly warfare. There are other weapons of mass destruction, but unless we can meet the challenge of atomic warfare—the most dreadful weapon ever devised—we can never meet the challenge of these other weapons.

The United States, with Britain and Canada, have demonstrated their awareness of the grave responsibility inherent in their discovery of the means of applying atomic energy. In a world of uncontrolled armaments, atomic energy would be an advantage to the United States for many years to come. But it is not the desire of the United States to be the leader in an armament race. We prefer to prevent, rather than to win, the next war.

That is why President Truman announced as soon as he knew that the atomic bomb would work, that it was our purpose to collaborate with other nations to insure that atomic energy should not become a threat to world peace.

Shortly thereafter, the heads of the three Governments responsible for the discovery of atomic energy, met at Washington and urged that the United Nations set up a commission to recommend proposals for the effective international control of atomic energy and all other weapons adaptable for mass destruction.

One of the primary reasons for my trip to Moscow in December 1945 was to ask the U. S. S. R. to join with Britain and Canada in sponsoring a resolution to this effect before the General Assembly.

As soon as the agreement of the Government of the U. S. S. R. was obtained, France and China were also asked and they agreed to join in sponsoring the resolution. These efforts resulted in the unanimous passage of the resolution by the General Assembly in January 1946, only six months after the discovery of the atomic bomb.

Long discussion in the United Nations and public debate on the details of United States proposals have perhaps blurred the real significance and magnitude of United States initiative. The resolution was no idle gesture on our part. Having the knowledge of atomic energy and possession of the atomic bomb, we did not seek to hold it and to threaten the world. We did not sit back and play for time. We came forward with concrete proposals designed fairly, effectively and practically to carry out the tasks assigned to that Commission.

Our proposals, when fully operative, would leave with the states responsible for the discovery of atomic energy no rights which would not be shared with other Members of the United Nations. Our proposals outlaw the use of atomic weapons and contemplate the disposal of existing atomic weapons. They set up an international authority with power to prevent the national manufacture and use of atomic weapons for war purposes and to develop atomic energy for human welfare.

Our proposals also provide effective and practical safeguards against violations and evasions. They enable states that keep their pledges to take prompt and collective action against those who violate their pledges.

We do not suggest any diminution of the right of veto in the consideration of the treaty governing this subject. We do say that once the treaty has become effective, then there can be no recourse to a veto to save an offender from punishment.

We are willing to share our knowledge of atomic weapons with the rest of the world on the condition, and only on the condition, that other nations submit, as we are willing to submit, to internationally controlled inspection and safeguards. From the statements made in the committees and in the Assembly we have been encouraged to believe that others are willing likewise to submit to international inspection.

If other nations have neither bombs nor the ability to manufacture them, it should be easy for them to agree to inspection. But the world should understand that without collective safeguards there can be no collective disarmament.

The resolution we proposed here urges the expeditious fulfilment by the Atomic Energy Commission of its terms of reference. Those terms include the control not only of atomic energy but the control of other instruments of mass destruction. With its specific studies and its accumulated experience that Commission is best equipped to formulate plans for dealing with major problems of disarmament.

Let us concentrate upon those major weapons and not dissipate our energies on the less important problems of controlling pistols and hand grenades.

If we are really interested in effective disarmament and not merely in talking about it, we should instruct our representatives on the Atomic Energy Commission to press forward now with its constructive proposals. The Commission has been at work six months. They can file an interim report next week. I do not want the work of that Commission to be side-tracked or sabotaged.

I am glad that the proposed resolution raises in connection with the problem of disarmament the question of the disposal of troops and the justification of their presence on foreign soil. For disarmament necessarily raises the question of the use which may be made of arms and armed forces which are not prohibited. Reducing armaments will not bring peace if the arms and armed forces that remain are used to undermine collective security.

The United States has persistently pressed for the early conclusion of peace treaties with Italy and the ex-satellite states. We want to make possible the complete withdrawal of troops from those states. The United States has also persistently urged the conclusion of a

treaty recognizing the independence of Austria and providing for the withdrawal of foreign troops. Austria, in our view, is a liberated and not an ex-enemy country. The United States, United Kingdom, and the U. S. S. R., as signatories of the Moscow Declaration of 1943, are obliged to relieve her of the burden of occupation at the earliest possible moment.

The United States believes that armed occupation should be strictly limited by the requirements of collective security. For that reason we proposed to the Council of Foreign Ministers that we should fix agreed ceilings on the occupation forces in Europe. We could not secure agreement this week, but we shall continue our efforts to reduce the occupation forces in Europe. We are also prepared to fix agreed ceilings for the occupation forces in Japan and Korea.

On VJ-day we had over five million troops overseas. We had to send with them extensive supplies and equipment which could not be disposed of overnight.

But despite the tremendous problem of liquidating our extensive overseas war activities, today we have less than 550,000 troops outside of American territory. Most of these troops are in Germany, Japan and the Japanese Islands, Korea, Austria and Venezia Giulia.

The great majority of the troops we have on the territory of the other states outside these occupation areas are supply or administrative personnel. Let me state specifically just what combat troops we have in these other states.

We have a total of 96,000 military personnel in the Philippines but only about 30,000 are combat forces, air and ground, and of these 17,000 are Philippine Scouts. These troops are in the Philippines primarily to back up our forces in Japan. Substantial reductions are contemplated in the near future.

Of the 19,000 troops we have in China, about 15,000 are combat troops and roughly one half of these are today under orders to return home.

We have about 1,500 troops in Panama, excluding the Canal Zone. One thousand of those, composed of a small air unit and some radar air warning detachments, can be classified as combat forces. We have, of course, our normal protective forces in the Panama Canal Zone proper.

We have no combat units in countries other than those I have just mentioned.

Our military personnel in Iceland number less than 600 men. They include no combat troops. They are being withdrawn rapidly and all will be withdrawn by early April 1947, in accordance with our agreement with the Government of Iceland. The military personnel

have been there only to maintain one of our air-transport lines of communication with our occupation forces in Germany.

In the Azores, on the southern air-transport communication line to Germany, we have about 300 men. Again there is not a single combat soldier among them. They are technicians and administrative officials. They are there under an agreement with the Government of Portugal.

Our combat troops are in North China at the request of the Chinese National Government. Their task is to assist in carrying out the terms of surrender with respect to the disarming and deportation of the Japanese. Their mission is nearly completed. Instructions have already been issued for the return of half of our forces now in China although the Chinese Government has urged that they be retained there until conditions become more stabilized.

We have made it clear that our troops will not become participants in civil strife in China. But we are eager to do our part, and we hope other states are eager to do their part, to prevent civil war in China and to promote a unified and democratic China. A free and independent China is essential to world peace, and we cannot ignore or tolerate efforts upon the part of any state to retard the development of the freedom and independence of China. The United States Government repudiates the suggestion that our troops in China or elsewhere, with the consent of the states concerned, are a threat to the internal or external peace of any country.

Because the representative of the U. S. S. R. has referred to our troops in China, it is for me to say that I am confident that the number of American troops in North China is far less than the number of U. S. S. R. troops in South Manchuria, in the Port Arthur area.

Under the Finnish Peace Treaty the U. S. S. R. acquires the right to lease the Porkkala naval base in Finland and to maintain troops there. The temporary presence of a few thousand United States troops in China at the request of that country certainly raises no essentially different question than the permanent presence of U. S. S. R. troops in another country under treaty arrangements.

It is our desire to live up to the letter and the spirit of the Moscow Declaration. We do not intend to use our troops on the territories of other states contrary to the purposes and principles of the United Nations.

The implementation of the Moscow Declaration is not made easier by loose charges or counter charges. The Declaration requires consultation and that is the method we should pursue if we wish to advance the cause of disarmament and of collective security.

Last December at Moscow we consulted the U. S. S. R. and the United Kingdom regarding our troops in China. We have now asked

for consultation in the Council of Foreign Ministers regarding the number of troops to be retained in Germany, Poland, Austria, Hungary, and Rumania under the conclusion of the peace treaties with the ex-satellite states.

The task before us is to maintain collective security with scrupulous regard for the sovereign equality of all states. This involves more than the question of armaments and armed forces. Aggressor nations do not go to war because they are armed, but because they want to get with their arms things which other nations will not freely accord to them. Aggressor nations attack not only because they are armed but because they believe others have not the armed strength to resist them. Sovereignty can be destroyed not only by armies but by a war of nerves and by organized political penetration. World peace depends upon what is in our hearts more than upon what is written in our treaties.

Great states must strive for understandings which will not only protect their own legitimate security requirements but also the political independence and integrity of the smaller states. It is not in the interest of peace and security that the basic power relationships among great states should depend upon which political party comes to power in Iran, Greece or in China. Great states must not permit differences among themselves to tear asunder the political unity of smaller states. Then, smaller states must recognize that true collective security requires their cooperation just as much as that of the larger states. Without the cooperation of large states and small states, all of our disarmament plans are doomed to failure.

A race for armaments, a race for power is not in the interest of any country or of any people. We want to stop the race for armaments and we want to stop the race for power. We want to be partners with all nations, not to make war, but to keep the peace. We want to uphold the rule of law among nations. We want to promote the freedom and well-being of all peoples in a friendly civilized world.

5. Statement by President Truman, November 6, 1946, Concerning Proposed United States Trusteeship of Former Japanese Islands in the Pacific



The United States is prepared to place under trusteeship, with the United States as the administering authority, the Japanese Mandated Islands and any Japanese Islands for which it assumes responsibilities as a result of the second World War. Insofar as the Japanese Mandated Islands are concerned, this Government is transmitting for information to the other members of the Security Council (Australia, Brazil, China, Egypt, France, Mexico, the Netherlands, Poland, the Union of Soviet Socialist Republics, and the United Kingdom) and to New Zealand and the Philippines a draft of a strategic area trusteeship agreement which sets forth the terms upon which this Government is prepared to place those islands under trusteeship. At an early date we plan to submit this draft agreement formally to the Security Council for its approval.

6. Draft Trusteeship Agreement for the Japanese Mandated Islands, Transmitted by the United States November 6, 1946, for Information to the Other Members of the Security Council and to New Zealand and the Republic of the Philippines



Preamble

WHEREAS Article 75 of the Charter of the United Nations provides for the establishment of an international trusteeship system for the administration and supervision of such territories as may be placed thereunder by subsequent agreements; and

WHEREAS under Article 77 of the said Charter the trusteeship system may be applied to territories now held under mandate; and

WHEREAS on December 17, 1920 the Council of the League of Nations confirmed a mandate for the former German islands north of the equator to Japan, to be administered in accordance with Article 22 of the Covenant of the League of Nations; and

WHEREAS Japan, as a result of the Second World War, has ceased to exercise any authority in these islands;

Now, THEREFORE, the Security Council of the United Nations, having satisfied itself that the relevant articles of the Charter have been complied with, hereby resolves to approve the following terms of trusteeship for the Pacific Islands formerly under mandate to Japan.

Article 1

The Territory of the Pacific Islands, consisting of the islands formerly held by Japan under mandate in accordance with Article 22 of the Covenant of the League of Nations, is hereby designated as a strategic area and placed under the trusteeship system established in the Charter of the United Nations. The Territory of the Pacific Islands is hereinafter referred to as the trust territory.

Article 2

The United States of America is designated as the administering authority of the trust territory.

Article 3

The administering authority shall have full powers of administration, legislation, and jurisdiction over the territory subject to the provisions of this agreement as an integral part of the United States, and may apply to the trust territory, subject to any modifications which the administering authority may consider desirable, such of the laws of the United States as it may deem appropriate to local conditions and requirements.

Article 4

The administering authority, in discharging the obligations of trusteeship in the trust territory, shall act in accordance with the Charter of the United Nations, and the provisions of this agreement, and shall, as specified in Article 83 (2) of the Charter, apply the objectives of the international trusteeship system, as set forth in Article 76 of the Charter, to the people of the trust territory.

Article 5

In discharging its obligations under Article 76 (a) and Article 84, of the Charter, the administering authority shall ensure that the trust territory shall play its part, in accordance with the Charter of the United Nations, in the maintenance of international peace and security. To this end the administering authority shall be entitled:

- (1) to establish naval, military and air bases and to erect fortifications in the trust territory;
- (2) to station and employ armed forces in the territory; and
- (3) to make use of volunteer forces, facilities and assistance from the trust territory in carrying out the obligations towards the Security Council undertaken in this regard by the administering authority, as well as for the local defense and the maintenance of law and order within the trust territory.

Article 6

In discharging its obligations under Article 76 (b) of the Charter, the administering authority shall:

- (1) foster the development of such political institutions as are suited to the trust territory and shall promote the development of the inhabitants of the trust territory toward self-government, and to this end shall give to the inhabitants of the trust territory a progressively increasing share in the administrative services in the territory; shall develop their participation in local government; shall give due recognition to the customs of the inhabitants in providing

a system of law for the territory; and shall take other appropriate measures toward these ends;

(2) promote the economic advancement and self-sufficiency of the inhabitants and to this end shall regulate the use of natural resources; encourage the development of fisheries, agriculture, and industries; protect the inhabitants against the loss of their lands and resources; and improve the means of transportation and communication;

(3) promote the social advancement of the inhabitants, and to this end shall protect the rights and fundamental freedoms of all elements of the population without discrimination; protect the health of the inhabitants; control the traffic in arms and ammunition, opium and other dangerous drugs, and alcohol and other spirituous beverages; and institute such other regulations as may be necessary to protect the inhabitants against social abuses; and

(4) promote the educational advancement of the inhabitants, and to this end shall take steps toward the establishment of a general system of elementary education; facilitate the vocational and cultural advancement of the population; and shall encourage qualified students to pursue higher education, including training on the professional level.

Article 7

In discharging its obligations under Article 76 (c), of the Charter, the administering authority, subject only to the requirements of public order and security, shall guarantee to the inhabitants of the trust territory freedom of speech, of the press, and of assembly; freedom of conscience, of worship, and of religious teaching; and freedom of migration and movement.

Article 8

1. In discharging its obligations under Article 76 (d) of the Charter, as defined by Article 83 (2) of the Charter, the administering authority, subject to the requirements of security, and the obligation to promote the advancement of the inhabitants, shall accord to nationals of each Member of the United Nations and to companies and associations organized in conformity with the laws of such Member, treatment in the trust territory no less favorable than that accorded therein to nationals, companies and associations of any other United Nation, except the administering authority.

2. The administering authority shall ensure equal treatment to the Members of the United Nations and their nationals in the administration of justice.

3. Nothing in this Article shall be so construed as to accord traffic rights to aircraft flying into and out of the trust territory. Such

rights shall be subject to agreement between the administering authority and the state whose nationality such aircraft possesses.

4. The administering authority may negotiate and conclude commercial and other treaties and agreements with Members of the United Nations and other states, designed to attain for the inhabitants of the trust territory treatment by the Members of the United Nations and other states no less favorable than that granted by them to the nationals of other states. The Security Council may recommend, or invite other organs of the United Nations to consider and recommend, what rights the inhabitants of the trust territory should acquire in consideration of the rights obtained by Members of the United Nations in the trust territory.

Article 9

The administering authority shall be entitled to constitute the trust territory into a customs, fiscal, or administrative union or federation with other territories under United States jurisdiction and to establish common services between such territories and the trust territory where such measures are not inconsistent with the basic objectives of the International Trusteeship System and with the terms of this agreement.

Article 10

The administering authority, acting under the provisions of Article 3 of this agreement, may accept membership in any regional advisory commission, regional authority, or technical organization, or other voluntary association of states, may cooperate with specialized international bodies, public or private, and may engage in other forms of international cooperation.

Article 11

1. The administering authority shall take the necessary steps to provide the status of citizenship of the trust territory for the inhabitants of the trust territory.

2. The administering authority shall afford diplomatic and consular protection to inhabitants of the trust territory when outside the territorial limits of the trust territory or of the territory of the administering authority.

Article 12

The administering authority shall enact such legislation as may be necessary to place the provisions of this agreement in effect in the trust territory.

Article 13

The provisions of Articles 87 and 88 of the Charter shall be applicable to the trust territory, provided that the administering authority may determine the extent of their applicability to any areas which may from time to time be specified by it as closed for security reasons.

Article 14

The administering authority undertakes to apply in the trust territory the provisions of any international conventions and recommendations which may be appropriate to the particular circumstances of the trust territory and which would be conducive to the achievement of the basic objectives of Article 6 of this agreement.

Article 15

The terms of the present agreement shall not be altered, amended or terminated without the consent of the administering authority.

Article 16

The present agreement shall come into force when approved by the Security Council of the United Nations and by the Government of the United States after due constitutional process.

7. United States Proposals for the Control of Atomic Energy, Presented by the Honorable Bernard M. Baruch to the United Nations Atomic Energy Commission, June 14, 1946



MY FELLOW MEMBERS OF THE UNITED NATIONS ATOMIC ENERGY COMMISSION, and MY FELLOW CITIZENS OF THE WORLD:

We are here to make a choice between the quick and the dead. That is our business.

Behind the black portent of the new atomic age lies a hope which, seized upon with faith, can work our salvation. If we fail, then we have damned every man to be the slave of Fear. Let us not deceive ourselves: We must elect World Peace or World Destruction.

Science has torn from nature a secret so vast in its potentialities that our minds cower from the terror it creates. Yet terror is not enough to inhibit the use of the atomic bomb. The terror created by weapons has never stopped man from employing them. For each new weapon a defense has been produced, in time. But now we face a condition in which adequate defense does not exist.

Science, which gave us this dread power, shows that it *can* be made a giant help to humanity, but science does *not* show us how to prevent its baleful use. So we have been appointed to obviate that peril by finding a meeting of the minds and the hearts of our people. Only in the will of mankind lies the answer.

It is to express this will and make it effective that we have been assembled. We must provide the mechanism to assure that atomic energy is used for peaceful purposes and preclude its use in war. To that end, we must provide immediate, swift, and sure punishment of those who violate the agreements that are reached by the nations. Penalization is essential if peace is to be more than a feverish interlude between wars. And, too, the United Nations can prescribe individual responsibility and punishment on the principles applied at Nürnberg by the Union of Soviet Socialist Republics, the United Kingdom, France, and the United States—a formula certain to benefit the world's future.

In this crisis, we represent not only our governments but, in a larger way, we represent the peoples of the world. We must

remember that the peoples do not belong to the governments but that the governments belong to the peoples. We must answer their demands; we must answer the world's longing for peace and security.

In that desire the United States shares ardently and hopefully. The search of science for the absolute weapon has reached fruition in this country. But she stands ready to proscribe and destroy this instrument—to lift its use from death to life—if the world will join in a pact to that end.

In our success lies the promise of a new life, freed from the heart-stopping fears that now beset the world. The beginning of victory for the great ideals for which millions have bled and died lies in building a workable plan. Now we approach fulfilment of the aspirations of mankind. At the end of the road lies the fairer, better, surer life we crave and mean to have.

Only by a lasting peace are liberties and democracies strengthened and deepened. War is their enemy. And it will not do to believe that any of us can escape war's devastation. Victor, vanquished, and neutrals alike are affected physically, economically, and morally.

Against the degradation of war we can erect a safeguard. That is the guerdon for which we reach. Within the scope of the formula we outline here there will be found, to those who seek it, the essential elements of our purpose. Others will see only emptiness. Each of us carries his own mirror in which is reflected hope—or determined desperation—courage or cowardice.

There is a famine throughout the world today. It starves men's bodies. But there is a greater famine—the hunger of men's spirit. That starvation can be cured by the conquest of fear, and the substitution of hope, from which springs faith—faith in each other, faith that we want to work together toward salvation, and determination that those who threaten the peace and safety shall be punished.

The peoples of these democracies gathered here have a particular concern with our answer, for their peoples hate war. They will have a heavy exaction to make of those who fail to provide an escape. They are not afraid of an internationalism that protects; they are unwilling to be fobbed off by mouthings about narrow sovereignty, which is today's phrase for yesterday's isolation.

The basis of a sound foreign policy, in this new age, for all the nations here gathered, is that anything that happens, no matter where or how, which menaces the peace of the world, or the economic stability, concerns each and all of us.

That, roughly, may be said to be the central theme of the United Nations. It is with that thought we begin consideration of the most important subject that can engage mankind—life itself.

Let there be no quibbling about the duty and the responsibility of this group and of the governments we represent. I was moved, in the afternoon of my life, to add my effort to gain the world's quest, by the broad mandate under which we were created. The resolution of the General Assembly, passed January 24, 1946 in London, reads:

“Section V. Terms of Reference of the Commission

“The Commission shall proceed with the utmost despatch and enquire into all phases of the problems, and make such recommendations from time to time with respect to them as it finds possible. In particular the Commission shall make specific proposals:

“(a) For extending between all nations the exchange of basic scientific information for peaceful ends;

“(b) For control of atomic energy to the extent necessary to ensure its use only for peaceful purposes;

“(c) For the elimination from national armaments of atomic weapons and of all other major weapons adaptable to mass destruction;

“(d) For effective safeguards by way of inspection and other means to protect complying States against the hazards of violations and evasions.

“The work of the Commission should proceed by separate stages, the successful completion of each of which will develop the necessary confidence of the world before the next stage is undertaken. . . .”

Our mandate rests, in text and in spirit, upon the outcome of the Conference in Moscow of Messrs. Molotov of the Union of Soviet Socialist Republics, Bevin of the United Kingdom, and Byrnes of the United States of America. The three Foreign Ministers on December 27, 1945 proposed the establishment of this body.

Their action was animated by a preceding conference in Washington on November 15, 1945, when the President of the United States, associated with Mr. Attlee, Prime Minister of the United Kingdom, and Mr. Mackenzie King, Prime Minister of Canada, stated that international control of the whole field of atomic energy was immediately essential. They proposed the formation of this body. In examining that source, the Agreed Declaration, it will be found that the fathers of the concept recognized the final means of world salvation—the abolition of war. Solemnly they wrote:

"We are aware that the only complete protection for the civilized world from the destructive use of scientific knowledge lies in the prevention of war. No system of safeguards that can be devised will of itself provide an effective guarantee against production of atomic weapons by a nation bent on aggression. Nor can we ignore the possibility of the development of other weapons, or of new methods of warfare, which may constitute as great a threat to civilization as the military use of atomic energy."

Through the historical approach I have outlined, we find ourselves here to test if man can produce, through his will and faith, the miracle of peace, just as he has, through science and skill, the miracle of the atom.

The United States proposes the creation of an International Atomic Development Authority, to which should be entrusted all phases of the development and use of atomic energy, starting with the raw material and including—

1. Managerial control or ownership of all atomic-energy activities potentially dangerous to world security.
2. Power to control, inspect, and license all other atomic activities.
3. The duty of fostering the beneficial uses of atomic energy.
4. Research and development responsibilities of an affirmative character intended to put the Authority in the forefront of atomic knowledge and thus to enable it to comprehend, and therefor to detect, misuse of atomic energy. To be effective, the Authority must itself be the world's leader in the field of atomic knowledge and development and thus supplement its legal authority with the great power inherent in possession of leadership in knowledge.

I offer this as a basis for beginning our discussion.

But I think the peoples we serve would not believe—and without faith nothing counts—that a treaty, merely outlawing possession or use of the atomic bomb, constitutes effective fulfilment of the instructions to this Commission. Previous failures have been recorded in trying the method of simple renunciation, unsupported by effective guaranties of security and armament limitation. No one would have faith in that approach alone.

Now, if ever, is the time to act for the common good. Public opinion supports a world movement toward security. If I read the signs aright, the peoples want a program not composed merely of pious thoughts but of enforceable sanctions—an international law with teeth in it.

We of this nation, desirous of helping to bring peace to the world and realizing the heavy obligations upon us arising from our posses-

sion of the means of producing the bomb and from the fact that it is part of our armament, are prepared to make our full contribution toward effective control of atomic energy.

When an adequate system for control of atomic energy, including the renunciation of the bomb as a weapon, has been agreed upon and put into effective operation and condign punishments set up for violations of the rules of control which are to be stigmatized as international crimes, we propose that—

1. Manufacture of atomic bombs shall stop;
2. Existing bombs shall be disposed of pursuant to the terms of the treaty; and
3. The Authority shall be in possession of full information as to the know-how for the production of atomic energy.

Let me repeat, so as to avoid misunderstanding: My country is ready to make its full contribution toward the end we seek, subject of course to our constitutional processes and to an adequate system of control becoming fully effective, as we finally work it out.

Now as to violations: In the agreement, penalties of as serious a nature as the nations may wish and as immediate and certain in their execution as possible should be fixed for—

1. Illegal possession or use of an atomic bomb;
2. Illegal possession, or separation, of atomic material suitable for use in an atomic bomb;
3. Seizure of any plant or other property belonging to or licensed by the Authority;
4. Wilful interference with the activities of the Authority;
5. Creation or operation of dangerous projects in a manner contrary to, or in the absence of, a license granted by the international control body.

It would be a deception, to which I am unwilling to lend myself, were I not to say to you and to our peoples that the matter of punishment lies at the very heart of our present security system. It might as well be admitted, here and now, that the subject goes straight to the veto power contained in the Charter of the United Nations so far as it relates to the field of atomic energy. The Charter permits penalization only by concurrence of each of the five great powers—the Union of Soviet Socialist Republics, the United Kingdom, China, France, and the United States.

I want to make very plain that I am concerned here with the veto power only as it affects this particular problem. There must be no veto to protect those who violate their solemn agreements not to develop or use atomic energy for destructive purposes.

The bomb does not wait upon debate. To delay may be to die. The time between violation and preventive action or punishment would be all too short for extended discussion as to the course to be followed.

As matters now stand several years may be necessary for another country to produce a bomb, *de novo*. However, once the basic information is generally known, and the Authority has established producing plants for peaceful purposes in the several countries, an illegal seizure of such a plant might permit a malevolent nation to produce a bomb in 12 months, and if preceded by secret preparation and necessary facilities perhaps even in a much shorter time. The time required—the advance warning given of the possible use of a bomb—can only be generally estimated but obviously will depend upon many factors, including the success with which the Authority has been able to introduce elements of safety in the design of its plants and the degree to which illegal and secret preparation for the military use of atomic energy will have been eliminated. Presumably no nation would think of starting a war with only one bomb.

This shows how imperative speed is in detecting and penalizing violations.

The process of prevention and penalization—a problem of profound statecraft—is, as I read it, implicit in the Moscow statement, signed by the Union of Soviet Socialist Republics, the United States, and the United Kingdom a few months ago.

But before a country is ready to relinquish any winning weapons it must have more than words to reassure it. It must have a guarantee of safety, not only against the offenders in the atomic area but against the illegal users of other weapons—bacteriological, biological, gas—perhaps—why not?—against war itself.

In the elimination of war lies our solution, for only then will nations cease to compete with one another in the production and use of dread “secret” weapons which are evaluated solely by their capacity to kill. This devilish program takes us back not merely to the Dark Ages but from cosmos to chaos. If we succeed in finding a suitable way to control atomic weapons, it is reasonable to hope that we may also preclude the use of other weapons adaptable to mass destruction. When a man learns to say “A” he can, if he chooses, learn the rest of the alphabet too.

Let this be anchored in our minds:

Peace is never long preserved by weight of metal or by an armament race. Peace can be made tranquil and secure only by understanding and agreement fortified by sanctions. We must embrace international cooperation or international disintegration.

Science has taught us how to put the atom to work. But to make it work for good instead of for evil lies in the domain dealing with the

principles of human duty. We are now facing a problem more of ethics than of physics.

The solution will require apparent sacrifice in pride and in position, but better pain as the price of peace than death as the price of war.

I now submit the following measures as representing the fundamental features of a plan which would give effect to certain of the conclusions which I have epitomized.

1. *General.* The Authority should set up a thorough plan for control of the field of atomic energy, through various forms of ownership, dominion, licenses, operation, inspection, research, and management by competent personnel. After this is provided for, there should be as little interference as may be with the economic plans and the present private, corporate, and state relationships in the several countries involved.

2. *Raw Materials.* The Authority should have as one of its earliest purposes to obtain and maintain complete and accurate information on world supplies of uranium and thorium and to bring them under its dominion. The precise pattern of control for various types of deposits of such materials will have to depend upon the geological, mining, refining, and economic facts involved in different situations.

The Authority should conduct continuous surveys so that it will have the most complete knowledge of the world geology of uranium and thorium. Only after all current information on world sources of uranium and thorium is known to us all can equitable plans be made for their production, refining, and distribution.

3. *Primary Production Plants.* The Authority should exercise complete managerial control of the production of fissionable materials. This means that it should control and operate all plants producing fissionable materials in dangerous quantities and must own and control the product of these plants.

4. *Atomic Explosives.* The Authority should be given sole and exclusive right to conduct research in the field of atomic explosives. Research activities in the field of atomic explosives are essential in order that the Authority may keep in the forefront of knowledge in the field of atomic energy and fulfil the objective of preventing illicit manufacture of bombs. Only by maintaining its position as the best-informed agency will the Authority be able to determine the line between intrinsically dangerous and non-dangerous activities.

5. *Strategic Distribution of Activities and Materials.* The activities entrusted exclusively to the Authority because they are intrinsically dangerous to security should be distributed throughout the world. Similarly, stockpiles of raw materials and fissionable materials should not be centralized.

6. *Non-Dangerous Activities.* A function of the Authority should be promotion of the peacetime benefits of atomic energy.

Atomic research (except in explosives), the use of research reactors, the production of radioactive tracers by means of non-dangerous reactors, the use of such tracers, and to some extent the production of power should be open to nations and their citizens under reasonable licensing arrangements from the Authority. Denatured materials, whose use we know also requires suitable safeguards, should be furnished for such purposes by the Authority under lease or other arrangement. Denaturing seems to have been overestimated by the public as a safety measure.

7. *Definition of Dangerous and Non-Dangerous Activities.* Although a reasonable dividing line can be drawn between dangerous and non-dangerous activities, it is not hard and fast. Provision should, therefore, be made to assure constant reexamination of the questions and to permit revision of the dividing line as changing conditions and new discoveries may require.

8. *Operations of Dangerous Activities.* Any plant dealing with uranium or thorium after it once reaches the potential of dangerous use must be not only subject to the most rigorous and competent inspection by the Authority, but its actual operation shall be under the management, supervision, and control of the Authority.

9. *Inspection.* By assigning intrinsically dangerous activities exclusively to the Authority, the difficulties of inspection are reduced. If the Authority is the only agency which may lawfully conduct dangerous activities, then visible operation by others than the Authority will constitute an unambiguous danger signal. Inspection will also occur in connection with the licensing functions of the Authority.

10. *Freedom of Access.* Adequate ingress and egress for all qualified representatives of the Authority must be assured. Many of the inspection activities of the Authority should grow out of, and be incidental to, its other functions. Important measures of inspection will be associated with the tight control of raw materials, for this is a key-stone of the plan. The continuing activities of prospecting, survey, and research in relation to raw materials will be designed not only to serve the affirmative development functions of the Authority but also to assure that no surreptitious operations are conducted in the raw-materials field by nations or their citizens.

11. *Personnel.* The personnel of the Authority should be recruited on a basis of proven competence but also so far as possible on an international basis.

12. *Progress by Stages.* A primary step in the creation of the system of control is the setting forth, in comprehensive terms, of the

functions, responsibilities, powers, and limitations of the Authority. Once a charter for the Authority has been adopted, the Authority and the system of control for which it will be responsible will require time to become fully organized and effective. The plan of control will, therefore, have to come into effect in successive stages. These should be specifically fixed in the charter or means should be otherwise set forth in the charter for transitions from one stage to another, as contemplated in the resolution of the United Nations Assembly which created this Commission.

13. *Disclosures.* In the deliberations of the United Nations Commission on Atomic Energy, the United States is prepared to make available the information essential to a reasonable understanding of the proposals which it advocates. Further disclosures must be dependent, in the interests of all, upon the effective ratification of the treaty. When the Authority is actually created, the United States will join the other nations in making available the further information essential to that organization for the performance of its functions. As the successive stages of international control are reached, the United States will be prepared to yield, to the extent required by each stage, national control of activities in this field to the Authority.

14. *International Control.* There will be questions about the extent of control to be allowed to national bodies, when the Authority is established. Purely national authorities for control and development of atomic energy should to the extent necessary for the effective operation of the Authority be subordinate to it. This is neither an endorsement nor a disapproval of the creation of national authorities. The Commission should evolve a clear demarcation of the scope of duties and responsibilities of such national authorities.

And now I end. I have submitted an outline for present discussion. Our consideration will be broadened by the criticism of the United States proposals and by the plans of the other nations, which, it is to be hoped, will be submitted at their early convenience. I and my associates of the United States Delegation will make available to each member of this body books and pamphlets, including the Acheson-Lilienthal report, recently made by the United States Department of State, and the McMahon Committee Monograph No. 1 entitled "Essential Information on Atomic Energy" relating to the McMahon bill recently passed by the United States Senate, which may prove of value in assessing the situation.

All of us are consecrated to making an end of gloom and hopelessness. It will not be an easy job. The way is long and thorny, but supremely worth traveling. All of us want to stand erect, with our faces to the sun, instead of being forced to burrow into the earth, like rats.

The pattern of salvation must be worked out by all for all.

The light at the end of the tunnel is dim, but our path seems to grow brighter as we actually begin our journey. We cannot yet light the way to the end. However, we hope the suggestions of my Government will be illuminating.

Let us keep in mind the exhortation of Abraham Lincoln, whose words, uttered at a moment of shattering national peril, form a complete text for our deliberation. I quote, paraphrasing slightly:

“We cannot escape history. We of this meeting will be remembered in spite of ourselves. No personal significance or insignificance can spare one or another of us. The fiery trial through which we are passing will light us down in honor or dishonor to the latest generation.

“We say we are for Peace. The world will not forget that we say this. We know how to save Peace. The world knows that we do. We, even we here, hold the power and have the responsibility.

“We shall nobly save, or meanly lose, the last, best hope of earth. The way is plain, peaceful, generous, just—a way which, if followed, the world will forever applaud.”

My thanks for your attention.

8. Address by the Honorable Bernard M. Baruch, United States Representative, to the Atomic Energy Commission

December 5, 1946



MY FELLOW MEMBERS OF THE ATOMIC ENERGY COMMISSION:

The primary responsibility for originating a system to protect the world against the atomic bomb has been placed squarely in our hands. Regardless of discussions elsewhere, the Atomic Energy Commission cannot escape its duty. Our task came to us from three high sources—first, the meeting in Washington, November a year ago, of the chiefs of state of the United States, Canada, and the United Kingdom; second, the meeting of the foreign ministers of the United States, the United Kingdom, and the Soviet Union, in Moscow last December; third, the definitive resolution of the General Assembly in London last January.

I note that the debates on disarmament in the General Assembly have followed closely the proposals laid down by the United States on June 14, before this body. It remains, however, the responsibility of this Commission to submit definite plans to the Security Council. It is to that business I address myself. I entreat all to join in the enterprise so that we may show speed, as well as vision, in our assignment.

The stakes are greater than ever before offered mankind—peace and security. For who can doubt, if we succeed in controlling the atomic weapon, that we can go on to the control of other instruments of mass destruction? The elimination of war itself is within the range of possibility. I repeat: "The man who learns to say 'A' can learn, if he chooses, the rest of the alphabet, too."

But we must make a beginning. Let us delay no longer. The awakened conscience of humanity is our goad. In all my life, now past the biblical allotment of three score and ten years, never before have I seen so rich an opportunity for deathless service as is presented to us here. I want my country associated with victory in this great crusade.

For myself, as I look upon a long past and too short a future, I believe the finest epitaph would be—"He helped to bring lasting peace to the world."

But we must have whole-hearted and not half-way measures. The world is not to be fooled by lip service. The world will resent and reject deception. We must march together in the bonds of a high resolve. We dare not wait too long.

I do not intend, at this time, to debate the plan that we are about to offer here, in broad outline. I shall content myself with comments as to the imperative necessity for speed.

I beg you to remember that to delay may be to die. I beg you to believe that the United States seeks no special advantage. I beg you to hold fast to the principle of seeking the good of all, and not the advantage of one.

We believe that the original proposals of the United States, made on June 14th, were generous and just. Through the acid test of deliberation and debate, before this Commission and before the public opinion of the world, they have been proven so. In the long and protracted series of 70-odd meetings of this Commission and its various committees, studying all phases of the subject, we have found inherent and inevitable in any treaty that is to be written, covering this subject, three major elements:

1. The erection of an international authority which shall effectively prevent the manufacture and use of atomic bombs for war purposes, and which shall develop the use of atomic energy for social gain.
2. The right of free and full international inspection in support of these purposes.
3. The definite agreement that once a treaty becomes effective, providing for deterrents against offenses and punishments for offenders, there can be no veto to protect willful violators, or to hamper the operations of the international authority.

However much one may seek to escape from these primaries, always the discussion, no matter where held, has come back to them. We have heard words that sometimes seemed to be steering us away from our goal, only later to hear others that led us back toward it.

The outline here presented is the bone and the sinew of any effective international control that may be—that shall be—that must be established if the civilized world is not to be ended; if the peoples are to live in security instead of being paralyzed by fear.

Time is two-edged. It not only forces us nearer to our doom, if we do not save ourselves, but, even more horrendous, it habituates us to existing conditions which, by familiarity, seem less and less threatening.

Once our minds have been conditioned to that sort of thinking, the keen edge of danger is blunted, and we are no longer able to see the dark chasm on the brink of which we stand.

Action at this time may well change hope to confidence. How can it profit any of us to avoid the issue, unless by so doing, we seek a special advantage; unless a chaos of fear will help particular ambitions?

Let us assume a report of the nature described in the American proposals is placed before the Security Council, together with such additions thereto as this body may desire. In it there will not be found a derogation of the dignity or might of any nation. On the contrary, the plan will build up, in all the world, a new and greater strength and dignity based on the faith that at last security is in sight; that at last men can walk erect again, no longer bent over by the numbing fear the atom bomb strikes into their hearts.

The price we have set upon the surrender of the absolute weapon is a declaration of peaceful intent and of interdependence among the nations of the world, expressed in terms of faith and given strength by sanctions—punishments to be meted out by concerted action against wilful offenders. That is one of the great principles of the United Nations—justice for all, supported by force. But there can be no unilateral disarmament by which America gives up the bomb, to no result except our own weakening. That shall never be.

It is for us to accept, or to reject—if we dare, this doctrine of salvation. It springs from stark necessity, and that is inexorable. My country, first to lay down a plan of cooperative control, welcomes the support of those countries which have already indicated their affirmative positions. We hope for the adherence of all.

We seek especially the participation of the Soviet Union. We welcome the recent authoritative statements of its highest representatives. From these, we are justified in concluding that it no longer regards the original American proposals unacceptable, as a whole or in their separate parts, as its member of this body stated at an earlier meeting.

I repeat—we welcome cooperation but we stand upon our basic principles even if we stand alone. We shall not be satisfied with pious protestations lulling the peoples into a false sense of security. We aim at an effective plan of control and will not accept anything else.

The time for action is here. Each of us perceives clearly what must be done. We may differ as to detail. We are in accord as to purpose. To the achievement of that purpose, I present a program in the form of resolutions, which have been placed before you.

I do not ask you to discuss or vote on these proposals at this time. They are now presented for your study and consideration. But I do ask the Chairman to call a meeting of this Commission, as early as convenient, to debate, if necessary, and to act upon the findings and recommendations contained in these resolutions, so that the position each nation takes on them may be recorded in this Commission's report which must be drafted by December 20, and presented to the Security Council by December 31.

I shall now read these resolutions.¹

¹ See supplement.

9. Address by the Honorable Bernard M. Baruch, United States Representative, to the Atomic Energy Commission
December 17, 1946



MR. CHAIRMAN:

Speaking for the United States, I propose to move the adoption of the Resolutions submitted to this body on Thursday, December 5. But before I do so, I would like to say a few words.

First of all, I should like to express, for each of us, our thanks to Mr. Alexandre Parodi, our retiring Chairman, and to his associate, Mr. François de Rose, who presided over the informal conversations, for their distinguished work. Also, I welcome Dr. Manuel Sandoval-Vallarta, who brings his unusual talents to the chair for the current month.

Now I respectfully urge two claims upon your attention: The first is, to adopt and proclaim these basic principles, that have forced themselves upon us from the work on which we are engaged. The second is, to proceed to do it now. The time has come to match our words with action.

Our course is not wholly in the field of free choice. We are under compulsions placed upon us by the General Assembly. The great and solemn debate held by that body on disarmament was closed last Saturday night, with an expression of unanimous support by all the nations represented. It is a declaration that may be—that should be—that must be high in historical importance because of its effect upon all the peoples of all the world now, and in the days to come.

A new spirit has come into being. It is our privilege and duty to give flesh to that spirit. The injunction has been laid upon the Atomic Energy Commission to proceed expeditiously to the development of a formula of action. It is with that thought in mind that I requested the Chairman of this group to call us together.

Let me point out to you that in placing these Resolutions before you, our sole purpose is to develop, in broad outline, the vital principles on which we are to proceed. The Commission itself should pass upon and decide these vital matters.

Passage of these Resolutions by the Commission would be, in effect, an instruction to Committee No. 2 to include the findings and recommendations which we approve, with such others as Committee No. 2

is prepared to recommend, in the draft report that it has been instructed to submit to us by December 20. Their inclusion in the draft report would be mandatory but not exclusive. Committee No. 2 would remain free to add additional findings and recommendations arising from their very valuable work. In other words, we are laying down certain principles to be included, by Committee No. 2, in the draft which we have directed them to submit to us. We do not attempt to exclude from that draft such other material as Committee No. 2 deems proper.

I doubt whether any public body ever devoted itself to its assignment with greater assiduity; with deeper understanding; and with finer devotion than has characterized this Commission since the beginning of its work. This is particularly true of the members of our Scientific and Technical Committee, who have contributed so greatly toward clarifying our understanding of this vast and complicated subject.

The further survey of the practical and operational elements of the problem by the informal group composed of our political and scientific advisers points towards a vital and, I hope, unanimous conclusion: For the protection of the world against the destructive uses of atomic energy there must be brought into existence an international control agency. Their discussions have been particularly valuable in giving an intimate and practical insight into the type and nature of controls appropriate to the various phases of atomic energy production. Thus, I need not argue these principles in detail. They are known to each and every one of us.

Upon rendering its report to the Security Council, the Commission will have completed the first stage of its assigned task. It will then, presumably, turn to the difficult questions of the organization, functions, powers, and the relations of the proposed international control agency to the United Nations and to the several states. However, before such discussions can be fruitfully undertaken, we must first establish a general framework within which the solutions will be sought. We need a determination of policy on the basis of which we can elaborate in detail the characteristics which an international control agency must have if it is effectively to fulfil our mandate. The resolutions proposed by the United States are offered to provide such a basis, in order that the work of this Commission may continue fruitfully and its past efforts not be lost. I am sure you will accept my proposals in this spirit.

I hope it is not amiss for me to point out, as a source of pride to all of us, that the comprehensive, many-sided debates in the General Assembly followed closely the proposals first outlined in this Commission. In fact, the lines of discussion paralleled the suggestions contained in the United States proposals at our first meeting. We were

all of us seeking the same goal, but it fell to the lot of my country, first, to put the ideas we all held into words we can all accept.

We have no pride of authorship, but we cannot, in justice to our trust, accept changes in purpose. We have debated long enough. Much of the discussion engendered by these suggestions already has taken place in the Assembly. The proof of their acceptance lies in the General Assembly Resolutions unanimously adopted Saturday, following strong supporting speeches by Messrs. Molotov and Bevin. The indication of our remaining duty was contained in the speech made by Mr. Byrnes, Secretary of State of the United States, on Friday night. He, it was, who brought the United Nations and the public, which is so deeply interested in this Commission, to a refreshed understanding of the fact that abstractions have been debated, and it is now up to us—the Atomic Energy Commission—to present an immediate, a practical, and a realistic program.

The mandate, creating us, puts within our terrain, not merely the elimination of the atomic weapon from future wars, not merely the disposal of existing stocks and the beneficial development of the energy—but, of equal importance, it asks the development of measures to prevent the use of other instruments of mass destruction.

It is my thought that these Resolutions are to be acted upon at this time. We have accepted the duty, and we must proceed promptly to its fulfilment. We believe, and our work follows this belief, that the best way of gaining our objective is to do first things first. In the very forefront of that effort lies the control of atomic energy. If we are able, satisfactorily, to solve that vast problem, the others will come easier. As I have said, the man who says "A" can be taught to say the rest of the alphabet.

This is to be a treaty that is meant to be kept. This is to be a program for which the world has striven through all recorded history, and even before—for man, in his soul, is peaceful and life-loving. Deep inside of him, he knows that he can live in security only by the force of law and never by the law of force.

Before formally moving the adoption of the Resolutions, with which you are familiar, I would very much appreciate it, Mr. Chairman, if you and the Commission would extend me a personal courtesy. There are three short changes in the language of these Resolutions as distributed on December 5 which, in the interest of clarity, I would like to incorporate into the Resolutions before I move their adoption.¹ None of these changes alters their purpose.

The first change involves adding to the second paragraph of 3 (a) of the recommendations, the following sentence: "Atomic research for

¹ See supplement.

peaceful purposes by national agencies shall be subject to appropriate safeguards established by the international authority."

The second change involves substituting in place of the last sentence of the second paragraph of 3 (e) the following sentence: "In dealing with such violations, a violator of the terms of the treaty should not be protected from the consequences of his wrong-doing by the exercise of any power of veto."

The third change involves deleting the words "the control of" which occurred twice in the third paragraph of section 3 (a).

Copies including these changes have been placed before all Members of the Commission by the Secretariat.

10. Summary of Findings of the Committee on Controls of the Atomic Energy Commis- sion, December 26, 1946¹



These findings have led to the important conclusion that an international control agency must be responsible for the system of safeguards and control. They also indicate some of the essential functions of the agency. The specific control measures mentioned in the findings are not meant to be definitive but rather to be indicative of the various types of safeguards applicable at each stage. In devising a definite system of control, provision must be made for flexibility in adapting safeguards to a rapidly developing technology. Moreover, the findings are interrelated and, although the coordination of safeguards is discussed to some extent, further measures of coordination must be considered before formulating a comprehensive system of control. The findings, therefore, do not represent a plan for atomic energy control but only some of the elements which should be incorporated in any complete and effective plan.

Summary of Findings on Safeguards Necessary To Detect and Prevent Diversion From Declared Activities

DIVERSION OF URANIUM FROM DECLARED MINES AND MILLS

Adequate safeguards against diversion from declared mines and mills are possible by a system of inspection, including guards, similar to normal managerial operating controls, provided that the inspectorate has unrestricted access to all equipment and operations and has facilities for independent weighing, assay, and analysis.

DIVERSION OF THORIUM FROM DECLARED MINES AND MILLS

Effective control of the raw material and concentrates of thorium is possible through a system of inspection similar to that found adequate for uranium.

¹ "The First Report of the Atomic Energy Commission to the Security Council", in process of publication by the United Nations, Part II, B.

DIVERSION OF URANIUM AND THORIUM FROM DECLARED REFINERIES AND CHEMICAL AND METALLURGICAL PLANTS

Adequate safeguards against diversion from declared refineries and chemical and metallurgical plants are possible by a system of inspection, including guards, similar to normal managerial operating controls, provided that the inspectorate has unrestricted access to all equipment and operations and has facilities for independent weighing, assay, and analysis and provided that it has the right to require the plant to be shut down for purposes of clean-up and accounting at appropriate times and to require efficient operating procedure.

At these stages, there is no fundamental difference between the processes for thorium and for uranium.

DIVERSION OF URANIUM FROM DECLARED ISOTOPE SEPARATION PLANTS

At present, it is not possible to place reliance on the method of obtaining a material balance of uranium isotopes in the case of isotope separation plants. This is one of the important reasons why there must be internal control of such plants by a director or manager and why the management must be established by and be responsible to the international control agency. Even if the material balance could be greatly improved, the inherent danger of the operation would still require management by the international control agency.

DIVERSION OF URANIUM, THORIUM, AND PLUTONIUM FROM DECLARED NUCLEAR REACTORS AND ASSOCIATED CHEMICAL EXTRACTION PLANTS

A. At present, it is not possible to place reliance on the method of obtaining a material balance of plutonium in the case of reactors and associated chemical extraction plants. This is one of the important reasons why the chemical extraction plants and, in some cases, the reactors should be subject to internal control by a director or manager and why the management must be established by and be responsible to the international control agency. Even if the material balance could be greatly improved, the inherent danger of the operations would still require management by the international control agency.

B. The safeguards required for the control of reactors will depend on their size and design and especially on their content and possible rate of production of nuclear fuel. The safeguards available to the international control agency should include licensing and inspection, supervision, and management of the operation of reactors. In addition, close supervision of the design and construction of reactors is essential in all cases.

C. Periodic inspection, together with licensing, is an adequate safeguard in the case of small research reactors and their associated chemical plants, unless their total content of nuclear fuel or potential rate of output in any area is of military significance.

D. Adequate safeguards for chemical extraction plants associated with all except small research reactors are only possible through management by the international control agency.

E. Adequate safeguards during the preparation of high-grade or pure nuclear fuels in a suitable form for insertion in secondary reactors, and, during the storage and shipment of such fuels, are only possible through management by the international control agency.

Summary of Findings on Safeguards Necessary To Insure the Detection of Clandestine Activities

A. The international control agency will require broad privileges of movement and inspection, including rights to conduct surveys by ground and air. These privileges should, however, be very carefully defined to insure against misuse.

B. Reports and returns on relevant matters will be required from national governments.

C. The international control agency should coordinate all relevant information to determine what areas may be suspected of containing clandestine activities.

D. Isotope separation plants, reactors, and chemical extraction plants as well as mines, have distinguishing features which would facilitate the detection of clandestine activities at these stages.

E. Detection of clandestine refineries and chemical and metallurgical plants is more difficult than detection of clandestine operations at other stages in the processing of nuclear fuel.

F. The detection of clandestine bomb manufacture as such is almost impossible; it is, therefore, vital that any unauthorized accumulation of essential nuclear fuels be prevented.

Summary of Findings on Seizure

Problems relating to seizure have been considered thus far only in preliminary terms. The major questions of seizure are political rather than technical. It appears, however, that technical measures could reduce the military advantages and, therefore, the dangers of seizure.

Summary of Findings on Coordination of Safeguards

A. In addition to material accounting at each individual step in atomic energy processes, the international control agency should pro-

vide for material accounting checks between points of shipment and receipt of material as a means of detecting possible diversion in transit.

B. The international control agency should control the storage and shipment of uranium and thorium materials to the degree necessary for security purposes.

C. The international control agency should itself store and itself handle all enriched or pure nuclear fuel in transit. This does not necessarily imply ownership either of the materials or of the transit or storage facilities, questions which have not yet been discussed.

D. Since stocks of concentrated or pure nuclear fuel are acutely dangerous, operations at successive stages in the production of atomic energy should be so scheduled that stocks of materials in transit and in storage are minimized, but without interfering unduly with the development and effectiveness of peaceful activities.

11. General Findings and Recommendations Approved by the Atomic Energy Commission on December 30, 1946 and Incorporated in its First Report to the Security Council



[While containing certain language modifications, these General Findings and Recommendations are, in all essentials, the same as those put forward for the approval of the Commission by the United States Representative on December 5, 1946, and on December 17, 1946. In the First Report of the Atomic Energy Commission to the Security Council, in process of publication by the United Nations, the General Findings appear in Part II, section C and the Recommendations, in Part III.]

Based upon the proposals and information presented to the Commission, upon the hearings, proceedings, and deliberations of the Commission to date, and upon the proceedings, discussions, and reports of its several committees and subcommittees, all as set forth in this report, the Commission has made the following additional findings of a general nature:

1. That scientifically, technologically, and practically, it is feasible
 - (a) to extend among "all nations the exchange of basic scientific information" on atomic energy "for peaceful ends",¹
 - (b) to control "atomic energy to the extent necessary to insure its use only for peaceful purposes",¹
 - (c) to accomplish "the elimination from national armaments of atomic weapons",¹ and
 - (d) to provide "effective safeguards by way of inspection and other means to protect complying states against the hazards of violations and evasions".¹
2. That effective control of atomic energy depends upon effective control of the production and use of uranium, thorium, and their nuclear fuel derivatives. Appropriate mechanisms of control to prevent their unauthorized diversion or clandestine production and use and to reduce the dangers of seizure—including one or more of the following types of safeguards: accounting, inspection, supervision, management, and licensing—must be applied through the various

¹ Commission's Term of Reference, art. V, Resolution of the General Assembly, Jan. 24, 1946.

stages of the processes from the time the uranium and thorium ores are severed from the ground to the time they become nuclear fuels and are used. . . . Ownership by the international control agency of mines and of ores still in the ground is not to be regarded as mandatory.

3. That, whether the ultimate nuclear fuels be destined for peaceful or destructive uses, the productive processes are identical and inseparable up to a very advanced state of manufacture. Thus, the control of atomic energy to insure its use for peaceful purposes, the elimination of atomic weapons from national armaments, and the provision of effective safeguards to protect complying States against the hazards of violations and evasions must be accomplished through a single unified international system of control and inspection designed to carry out all of these related purposes.

4. That the development and use of atomic energy are not essentially matters of domestic concern of the individual nations, but rather have predominantly international implications and repercussions.

5. That an effective system for the control of atomic energy must be international, and must be established by an enforceable multi-lateral treaty or convention which in turn must be administered and operated by an international organ or agency within the United Nations, possessing adequate power and properly organized, staffed, and equipped for the purpose.

Only by such an international system of control and inspection can the development and use of atomic energy be freed from nationalistic rivalries with consequent risks to the safety of all peoples. Only by such a system can the benefits of widespread exchange of scientific knowledge and of the peaceful uses of atomic energy be assured. Only such a system of control and inspection would merit and enjoy the confidence of the people of all nations.

6. That international agreement to outlaw the national production, possession, and use of atomic weapons is an essential part of any such international system of control and inspection. An international treaty or convention to this effect, if standing alone, would fail (a) "to ensure" the use of atomic energy "only for peaceful purposes"¹ and (b) to provide "for effective safeguards by way of inspection and other means to protect complying States against the hazards of violations and evasions,"¹ and thus would fail to meet the requirements of the terms of reference of the Commission. To be effective, such agreement must be embodied in a treaty or convention providing for a comprehensive international system of control and inspection and including guarantees and safeguards adequate to insure

¹ Commission's Terms of Reference, article V, Resolution of the General Assembly, Jan. 24, 1946.

the carrying out of the terms of the treaty or convention and "to protect complying States against the hazards of violations and evasions."¹

Based upon the findings of the Commission, . . . the Commission makes the following recommendations to the Security Council with respect to certain of the matters covered by the terms of reference of the Commission, which recommendations are interdependent and not severable, embodying the fundamental principles and indicating the basic organizational mechanisms necessary to attain the objectives set forth in the General Findings, paragraph 1 (a)—(d) above.

1. There should be a strong and comprehensive international system of control and inspection aimed at attaining the objectives set forth in the Commission's terms of reference.

2. Such an international system of control and inspection should be established and its scope and functions defined by a treaty or convention in which all of the nations Members of the United Nations should be entitled to participate on fair and equitable terms.

The international system of control and inspection should become operative only when those Members of the United Nations necessary to assure its success by signing and ratifying the treaty or convention have bound themselves to accept and support it.

Consideration should be given to the matter of participation by non-members of the United Nations.

3. The treaty or convention should include, among others, provisions

(a) Establishing, in the United Nations, an international control agency (hereinafter called "the agency") possessing powers and charged with responsibility necessary and appropriate for the prompt and effective discharge of the duties imposed upon it by the terms of the treaty or convention. Its rights, powers, and responsibilities, as well as its relations to the several organs of the United Nations, should be clearly established and defined by the treaty or convention. Such powers should be sufficiently broad and flexible to enable the authority to deal with new developments that may hereafter arise in the field of atomic energy. The treaty shall provide that the rule of unanimity of the permanent Members, which in certain circumstances exists in the Security Council, shall have no relation to the work of the agency. No government shall possess any right of veto over the fulfilment by the agency of the obligations imposed upon it by the treaty nor shall any government have the power, through the exercise

¹ Commission's Terms of Reference, article V, Resolution of the General Assembly, Jan. 24, 1946.

of any right of veto or otherwise, to obstruct the course of control or inspection.

The agency shall promote among all nations the exchange of basic scientific information on atomic energy for peaceful ends, and shall be responsible for preventing the use of atomic energy for destructive purposes, and for the control of atomic energy to the extent necessary to insure its use only for peaceful purposes.

The agency should have positive research and developmental responsibilities in order to remain in the forefront of atomic knowledge so as to render the agency more effective in promoting the beneficial uses of atomic energy and in eliminating its destructive ones. The exclusive right to carry on atomic research for destructive purposes should be vested in the agency.

Research in nuclear physics having a direct bearing on the use of atomic energy should be subject to appropriate safeguards established by the international control agency in accordance with the treaty or convention. Such safeguards should not interfere with the prosecution of pure scientific research, or the publication of its results, provided no dangerous use or purpose is involved.

Decisions of the agency pursuant to the powers conferred upon it by the treaty or convention should govern the operations of national agencies for atomic energy. In carrying out its prescribed functions, however, the agency should interfere as little as necessary with the operations of national agencies for atomic energy, or with the economic plans and the private, corporate, and State relationships in the several countries.

(b) Affording the duly accredited representatives of the agency unimpeded rights of ingress, egress, and access for the performance of their inspections and other duties into, from, and within the territory of every participating nation, unhindered by national or local authorities.

(c) Prohibiting the manufacture, possession, and use of atomic weapons by all nations parties thereto and by all persons under their jurisdiction.

(d) Providing for the disposal of any existing stocks of atomic weapons and for the proper use of nuclear fuels adaptable for use in weapons.

(e) Specifying the means and methods of determining violations of its terms, setting forth such violations as shall constitute international crimes, and establishing the nature of the measures of enforcement and punishment to be imposed upon persons and upon nations guilty of violating the terms of the treaty or convention.

The judicial or other processes for determination of violations of the treaty or convention, and of punishments therefor, should be swift and certain. Serious violations of the treaty shall be reported imme-

diately by the agency to the nations parties to the treaty, to the General Assembly, and to the Security Council. Once the violations constituting international crimes have been defined and the measures of enforcement and punishment therefor agreed to in the treaty or convention, there shall be no legal right, by veto or otherwise, whereby a wilful violator of the terms of the treaty or convention shall be protected from the consequences of violation of its terms.

The enforcement and punishment provisions of the treaty or convention would be ineffectual if, in any such situations, they could be rendered nugatory by the veto of a State which had voluntarily signed the treaty.

4. In consideration of the problem of violation of the terms of the treaty or convention, it should also be borne in mind that a violation might be of so grave a character as to give rise to the inherent right of self-defense recognized in article 51 of the Charter of the United Nations.

5. The treaty or convention should embrace the entire program for putting the international system of control and inspection into effect and should provide a schedule for the completion of the transitional process over a period of time, step by step in an orderly and agreed sequence leading to the full and effective establishment of international control of atomic energy. In order that the transition may be accomplished as rapidly as possible and with safety and equity to all, this Commission should supervise the transitional process, as prescribed in the treaty or convention, and should be empowered to determine when a particular stage or stages have been completed and subsequent ones are to commence.

12. Charter of the United Nations

We the peoples of the United Nations determined
to save succeeding generations from the scourge of war, which twice
in our lifetime has brought untold sorrow to mankind, and
to reaffirm faith in fundamental human rights, in the dignity and
worth of the human person, in the equal rights of men and women and
of nations large and small, and
to establish conditions under which justice and respect for the obligations
arising from treaties and other sources of international law can
be maintained, and
to promote social progress and better standards of life in larger
freedom,

and for these ends

to practice tolerance and live together in peace with one another as
good neighbors, and
to unite our strength to maintain international peace and security, and
to ensure, by the acceptance of principles and the institution of
methods, that armed force shall not be used, save in the common
interest, and
to employ international machinery for the promotion of the economic
and social advancement of all peoples,

*have resolved to combine our efforts to accomplish
these aims.*

Accordingly, our respective Governments, through representatives
assembled in the city of San Francisco, who have exhibited their full
powers found to be in good and due form, have agreed to the present
Charter of the United Nations and do hereby establish an international
organization to be known as the United Nations.

CHAPTER I. Purposes and Principles

Article 1

The Purposes of the United Nations are:

1. To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;
2. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;
3. To achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and
4. To be a center for harmonizing the actions of nations in the attainment of these common ends.

Article 2

The Organization and its Members, in pursuit of the Purposes stated in Article 1, shall act in accordance with the following Principles.

1. The Organization is based on the principle of the sovereign equality of all its Members.
2. All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfil in good faith the obligations assumed by them in accordance with the present Charter.
3. All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.
4. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.
5. All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.
6. The Organization shall ensure that states which are not Members of the United Nations act in accordance with these Principles so

far as may be necessary for the maintenance of international peace and security.

7. Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.

CHAPTER II. Membership

Article 3

The original Members of the United Nations shall be the states which, having participated in the United Nations Conference on International Organization at San Francisco, or having previously signed the Declaration by United Nations of January 1, 1942, sign the present Charter and ratify it in accordance with Article 110.

Article 4

1. Membership in the United Nations is open to all other peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations.

2. The admission of any such state to membership in the United Nations will be effected by a decision of the General Assembly upon the recommendation of the Security Council.

Article 5

A Member of the United Nations against which preventive or enforcement action has been taken by the Security Council may be suspended from the exercise of the rights and privileges of membership by the General Assembly upon the recommendation of the Security Council. The exercise of these rights and privileges may be restored by the Security Council.

Article 6

A Member of the United Nations which has persistently violated the Principles contained in the present Charter may be expelled from the Organization by the General Assembly upon the recommendation of the Security Council.

CHAPTER III. Organs

Article 7

1. There are established as the principal organs of the United Nations: a General Assembly, a Security Council, an Economic and

Social Council, a Trusteeship Council, an International Court of Justice, and a Secretariat.

2. Such subsidiary organs as may be found necessary may be established in accordance with the present Charter.

Article 8

The United Nations shall place no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in its principal and subsidiary organs.

CHAPTER IV. The General Assembly

COMPOSITION

Article 9

1. The General Assembly shall consist of all the Members of the United Nations.

2. Each Member shall have not more than five representatives in the General Assembly.

FUNCTIONS AND POWERS

Article 10

The General Assembly may discuss any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter, and, except as provided in Article 12, may make recommendations to the Members of the United Nations or to the Security Council or to both on any such questions or matters.

Article 11

1. The General Assembly may consider the general principles of cooperation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments, and may make recommendations with regard to such principles to the Members or to the Security Council or to both.

2. The General Assembly may discuss any questions relating to the maintenance of international peace and security brought before it by any Member of the United Nations, or by the Security Council, or by a state which is not a Member of the United Nations in accordance with Article 35, paragraph 2, and, except as provided in Article 12, may make recommendations with regard to any such questions to the state or states concerned or to the Security Council or to both. Any such question on which action is necessary shall be referred to the Security Council by the General Assembly either before or after discussion.

3. The General Assembly may call the attention of the Security Council to situations which are likely to endanger international peace and security.

4. The powers of the General Assembly set forth in this Article shall not limit the general scope of Article 10.

Article 12

1. While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests.

2. The Secretary-General, with the consent of the Security Council, shall notify the General Assembly at each session of any matters relative to the maintenance of international peace and security which are being dealt with by the Security Council and shall similarly notify the General Assembly, or the Members of the United Nations if the General Assembly is not in session, immediately the Security Council ceases to deal with such matters.

Article 13

1. The General Assembly shall initiate studies and make recommendations for the purpose of:

a. promoting international cooperation in the political field and encouraging the progressive development of international law and its codification;

b. promoting international cooperation in the economic, social, cultural, educational, and health fields, and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

2. The further responsibilities, functions, and powers of the General Assembly with respect to matters mentioned in paragraph 1 (b) above are set forth in Chapters IX and X.

Article 14

Subject to the provisions of Article 12, the General Assembly may recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations, including situations resulting from a violation of the provisions of the present Charter setting forth the Purposes and Principles of the United Nations.

Article 15

1. The General Assembly shall receive and consider annual and special reports from the Security Council; these reports shall include

an account of the measures that the Security Council has decided upon or taken to maintain international peace and security.

2. The General Assembly shall receive and consider reports from the other organs of the United Nations.

Article 16

The General Assembly shall perform such functions with respect to the international trusteeship system as are assigned to it under Chapters XII and XIII, including the approval of the trusteeship agreements for areas not designated as strategic.

Article 17

1. The General Assembly shall consider and approve the budget of the Organization.

2. The expenses of the Organization shall be borne by the Members as apportioned by the General Assembly.

3. The General Assembly shall consider and approve any financial and budgetary arrangements with specialized agencies referred to in Article 57 and shall examine the administrative budgets of such specialized agencies with a view to making recommendations to the agencies concerned.

VOTING

Article 18

1. Each member of the General Assembly shall have one vote.

2. Decisions of the General Assembly on important questions shall be made by a two-thirds majority of the members present and voting. These questions shall include: recommendations with respect to the maintenance of international peace and security, the election of the non-permanent members of the Security Council, the election of the members of the Economic and Social Council, the election of members of the Trusteeship Council in accordance with paragraph 1 (c) of Article 86, the admission of new Members to the United Nations, the suspension of the rights and privileges of membership, the expulsion of Members, questions relating to the operation of the trusteeship system, and budgetary questions.

3. Decisions on other questions, including the determination of additional categories of questions to be decided by a two-thirds majority, shall be made by a majority of the members present and voting.

Article 19

A Member of the United Nations which is in arrears in the payment of its financial contributions to the Organization shall have no vote in the General Assembly if the amount of its arrears equals or exceeds

the amount of the contributions due from it for the preceding two full years. The General Assembly may, nevertheless, permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member.

PROCEDURE

Article 20

The General Assembly shall meet in regular annual sessions and in such special sessions as occasion may require. Special sessions shall be convoked by the Secretary-General at the request of the Security Council or of a majority of the Members of the United Nations.

Article 21

The General Assembly shall adopt its own rules of procedure. It shall elect its President for each session.

Article 22

The General Assembly may establish such subsidiary organs as it deems necessary for the performance of its functions.

CHAPTER V. The Security Council

COMPOSITION

Article 23

1. The Security Council shall consist of eleven Members of the United Nations. The Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America shall be permanent members of the Security Council. The General Assembly shall elect six other Members of the United Nations to be non-permanent members of the Security Council, due regard being specially paid, in the first instance to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution.

2. The non-permanent members of the Security Council shall be elected for a term of two years. In the first election of the non-permanent members, however, three shall be chosen for a term of one year. A retiring member shall not be eligible for immediate re-election.

3. Each member of the Security Council shall have one representative.

FUNCTIONS AND POWERS

Article 24

1. In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.

2. In discharging these duties the Security Council shall act in accordance with the Purposes and Principles of the United Nations. The specific powers granted to the Security Council for the discharge of these duties are laid down in Chapters VI, VII, VIII, and XII.

3. The Security Council shall submit annual and, when necessary, special reports to the General Assembly for its consideration.

Article 25

The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter.

Article 26

In order to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources, the Security Council shall be responsible for formulating, with the assistance of the Military Staff Committee referred to in Article 47, plans to be submitted to the Members of the United Nations for the establishment of a system for the regulation of armaments.

VOTING

Article 27

1. Each member of the Security Council shall have one vote.

2. Decisions of the Security Council on procedural matters shall be made by an affirmative vote of seven members.

3. Decisions of the Security Council on all other matters shall be made by an affirmative vote of seven members including the concurring votes of the permanent members: provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting.

PROCEDURE

Article 28

1. The Security Council shall be so organized as to be able to function continuously. Each member of the Security Council shall

for this purpose be represented at all times at the seat of the Organization.

2. The Security Council shall hold periodic meetings at which each of its members may, if it so desires, be represented by a member of the government or by some other specially designated representative.

3. The Security Council may hold meetings at such places other than the seat of the Organization as in its judgment will best facilitate its work.

Article 29

The Security Council may establish such subsidiary organs as it deems necessary for the performance of its functions.

Article 30

The Security Council shall adopt its own rules of procedure, including the method of selecting its President.

Article 31

Any Member of the United Nations which is not a member of the Security Council may participate, without vote, in the discussion of any question brought before the Security Council whenever the latter considers that the interests of that Member are specially affected.

Article 32

Any Member of the United Nations which is not a member of the Security Council or any state which is not a Member of the United Nations, if it is a party to a dispute under consideration by the Security Council, shall be invited to participate, without vote, in the discussion relating to the dispute. The Security Council shall lay down such conditions as it deems just for the participation of a state which is not a Member of the United Nations.

CHAPTER VI. Pacific Settlement of Disputes

Article 33

1. The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

2. The Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means.

Article 34

The Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute,

in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.

Article 35

1. Any Member of the United Nations may bring any dispute, or any situation of the nature referred to in Article 34, to the attention of the Security Council or of the General Assembly.

2. A state which is not a Member of the United Nations may bring to the attention of the Security Council or of the General Assembly any dispute to which it is a party if it accepts in advance, for the purposes of the dispute, the obligations of pacific settlement provided in the present Charter.

3. The proceedings of the General Assembly in respect of matters brought to its attention under this Article will be subject to the provisions of Articles 11 and 12.

Article 36

1. The Security Council may, at any stage of a dispute of the nature referred to in Article 33 or of a situation of like nature, recommend appropriate procedures or methods of adjustment.

2. The Security Council should take into consideration any procedures for the settlement of the dispute which have already been adopted by the parties.

3. In making recommendations under this Article the Security Council should also take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court.

Article 37

1. Should the parties to a dispute of the nature referred to in Article 33 fail to settle it by the means indicated in that Article, they shall refer it to the Security Council.

2. If the Security Council deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to take action under Article 36 or to recommend such terms of settlement as it may consider appropriate.

Article 38

Without prejudice to the provisions of Articles 33 to 37, the Security Council may, if all the parties to any dispute so request, make recommendations to the parties with a view to a pacific settlement of the dispute.

CHAPTER VII. Action With Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression

Article 39

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

Article 40

In order to prevent an aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures.

Article 41

The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

Article 42

Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.

Article 43

1. All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.

2. Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided.

3. The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and Members or between the Security Council and groups of Members and shall be subject to ratification by the signatory states in accordance with their respective constitutional processes.

Article 44

When the Security Council has decided to use force it shall, before calling upon a Member not represented on it to provide armed forces in fulfilment of the obligations assumed under Article 43, invite that Member, if the Member so desires, to participate in the decisions of the Security Council concerning the employment of contingents of that Member's armed forces.

Article 45

In order to enable the United Nations to take urgent military measures, Members shall hold immediately available national air-force contingents for combined international enforcement action. The strength and degree of readiness of these contingents and plans for their combined action shall be determined, within the limits laid down in the special agreement or agreements referred to in Article 43, by the Security Council with the assistance of the Military Staff Committee.

Article 46

Plans for the application of armed force shall be made by the Security Council with the assistance of the Military Staff Committee.

Article 47

1. There shall be established a Military Staff Committee to advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and security, the employment and command of forces placed at its disposal, the regulation of armaments, and possible disarmament.

2. The Military Staff Committee shall consist of the Chiefs of Staff of the permanent members of the Security Council or their representatives. Any Member of the United Nations not permanently represented on the Committee shall be invited by the Committee to be associated with it when the efficient discharge of the Committee's responsibilities requires the participation of that Member in its work.

3. The Military Staff Committee shall be responsible under the Security Council for the strategic direction of any armed forces placed at

the disposal of the Security Council. Questions relating to the command of such forces shall be worked out subsequently.

4. The Military Staff Committee, with the authorization of the Security Council and after consultation with appropriate regional agencies, may establish regional subcommittees.

Article 48

1. The action required to carry out the decisions of the Security Council for the maintenance of international peace and security shall be taken by all the Members of the United Nations or by some of them, as the Security Council may determine.

2. Such decisions shall be carried out by the Members of the United Nations directly and through their action in the appropriate international agencies of which they are members.

Article 49

The Members of the United Nations shall join in affording mutual assistance in carrying out the measures decided upon by the Security Council.

Article 50

If preventive or enforcement measures against any state are taken by the Security Council, any other state, whether a Member of the United Nations or not, which finds itself confronted with special economic problems arising from the carrying out of those measures shall have the right to consult the Security Council with regard to a solution of those problems.

Article 51

Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken the measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

CHAPTER VIII. Regional Arrangements

Article 52

1. Nothing in the present Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating

to the maintenance of international peace and security as are appropriate for regional action, provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations.

2. The Members of the United Nations entering into such arrangements or constituting such agencies shall make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council.

3. The Security Council shall encourage the development of pacific settlement of local disputes through such regional arrangements or by such regional agencies either on the initiative of the states concerned or by reference from the Security Council.

4. This Article in no way impairs the application of Articles 34 and 35.

Article 53

1. The Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority. But no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council, with the exception of measures against any enemy state, as defined in paragraph 2 of this Article, provided for pursuant to Article 107 or in regional arrangements directed against renewal of aggressive policy on the part of any such state, until such time as the Organization may, on request of the Governments concerned, be charged with the responsibility for preventing further aggression by such a state.

2. The term enemy state as used in paragraph 1 of this Article applies to any state which during the Second World War has been an enemy of any signatory of the present Charter.

Article 54

The Security Council shall at all times be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security.

CHAPTER IX. International Economic and Social Cooperation

Article 55

With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among na-

tions based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:

- a. higher standards of living, full employment, and conditions of economic and social progress and development;
- b. solutions of international economic, social, health, and related problems; and international cultural and educational cooperation; and
- c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

Article 56

All Members pledge themselves to take joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in Article 55.

Article 57

1. The various specialized agencies, established by intergovernmental agreement and having wide international responsibilities, as defined in their basic instruments, in economic, social, cultural, educational, health, and related fields, shall be brought into relationship with the United Nations in accordance with the provisions of Article 63.

2. Such agencies thus brought into relationship with the United Nations are hereinafter referred to as specialized agencies.

Article 58

The Organization shall make recommendations for the coordination of the policies and activities of the specialized agencies.

Article 59

The Organization shall, where appropriate, initiate negotiations among the states concerned for the creation of any new specialized agencies required for the accomplishment of the purposes set forth in Article 55.

Article 60

Responsibility for the discharge of the functions of the Organization set forth in this Chapter shall be vested in the General Assembly and, under the authority of the General Assembly, in the Economic and Social Council, which shall have for this purpose the powers set forth in Chapter X.

CHAPTER X. The Economic and Social Council

COMPOSITION

Article 61

1. The Economic and Social Council shall consist of eighteen Members of the United Nations elected by the General Assembly.

2. Subject to the provisions of paragraph 3, six members of the Economic and Social Council shall be elected each year for a term of three years. A retiring member shall be eligible for immediate re-election.

3. At the first election, eighteen members of the Economic and Social Council shall be chosen. The term of office of six members so chosen shall expire at the end of one year, and of six other members at the end of two years, in accordance with arrangements made by the General Assembly.

4. Each member of the Economic and Social Council shall have one representative.

FUNCTIONS AND POWERS

Article 62

1. The Economic and Social Council may make or initiate studies and reports with respect to international economic, social, cultural, educational, health, and related matters and may make recommendations with respect to any such matters to the General Assembly, to the Members of the United Nations, and to the specialized agencies concerned.

2. It may make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all.

3. It may prepare draft conventions for submission to the General Assembly, with respect to matters falling within its competence.

4. It may call, in accordance with the rules prescribed by the United Nations, international conferences on matters falling within its competence.

Article 63

1. The Economic and Social Council may enter into agreements with any of the agencies referred to in Article 57, defining the terms on which the agency concerned shall be brought into relationship with the United Nations. Such agreements shall be subject to approval by the General Assembly.

2. It may coordinate the activities of the specialized agencies through consultation with and recommendations to such agencies and through recommendations to the General Assembly and to the Members of the United Nations.

Article 64

1. The Economic and Social Council may take appropriate steps to obtain regular reports from the specialized agencies. It may make arrangements with the Members of the United Nations and with the specialized agencies to obtain reports on the steps taken to give effect to its own recommendations and to recommendations on matters falling within its competence made by the General Assembly.

2. It may communicate its observations on these reports to the General Assembly.

Article 65

The Economic and Social Council may furnish information to the Security Council and shall assist the Security Council upon its request.

Article 66

1. The Economic and Social Council shall perform such functions as fall within its competence in connection with the carrying out of the recommendations of the General Assembly.

2. It may, with the approval of the General Assembly, perform services at the request of Members of the United Nations and at the request of specialized agencies.

3. It shall perform such other functions as are specified elsewhere in the present Charter or as may be assigned to it by the General Assembly.

VOTING

Article 67

1. Each member of the Economic and Social Council shall have one vote.

2. Decisions of the Economic and Social Council shall be made by a majority of the members present and voting.

PROCEDURE

Article 68

The Economic and Social Council shall set up commissions in economic and social fields and for the promotion of human rights, and such other commissions as may be required for the performance of its functions.

Article 69

The Economic and Social Council shall invite any Member of the United Nations to participate, without vote, in its deliberations on any matter of particular concern to that Member.

Article 70

The Economic and Social Council may make arrangements for representatives of the specialized agencies to participate, without vote, in its deliberations and in those of the commissions established by it, and for its representatives to participate in the deliberations of the specialized agencies.

Article 71

The Economic and Social Council may make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence. Such arrangements may be made with international organizations and, where appropriate, with national organizations after consultation with the Member of the United Nations concerned.

Article 72

1. The Economic and Social Council shall adopt its own rules of procedure, including the method of selecting its President.

2. The Economic and Social Council shall meet as required in accordance with its rules, which shall include provision for the convening of meetings on the request of a majority of its members.

CHAPTER XI. Declaration Regarding Non-Self-Governing Territories

Article 73

Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories, and, to this end :

a. to ensure, with due respect for the culture of the peoples concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses;

b. to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement;

c. to further international peace and security;

d. to promote constructive measures of development, to encourage research, and to cooperate with one another and, when and where appropriate, with specialized international bodies with a view to the practical achievement of the social, economic, and scientific purposes set forth in this Article; and

e. to transmit regularly to the Secretary-General for information purposes, subject to such limitation as security and constitutional considerations may require, statistical and other information of a technical nature relating to economic, social, and educational conditions in the territories for which they are respectively responsible other than those territories to which Chapters XII and XIII apply.

Article 74

Members of the United Nations also agree that their policy in respect of the territories to which this Chapter applies, no less than in respect of their metropolitan areas, must be based on the general principle of good-neighborliness, due account being taken of the interests and well-being of the rest of the world, in social, economic, and commercial matters.

CHAPTER XII. International Trusteeship System

Article 75

The United Nations shall establish under its authority an international trusteeship system for the administration and supervision of such territories as may be placed thereunder by subsequent individual agreements. These territories are hereinafter referred to as trust territories.

Article 76

The basic objectives of the trusteeship system, in accordance with the Purposes of the United Nations laid down in Article 1 of the present Charter, shall be:

- a. to further international peace and security;
- b. to promote the political, economic, social, and educational advancement of the inhabitants of the trust territories, and their progressive development towards self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned, and as may be provided by the terms of each trusteeship agreement;

- c. to encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion,

and to encourage recognition of the interdependence of the peoples of the world; and

d. to ensure equal treatment in social, economic, and commercial matters for all Members of the United Nations and their nationals, and also equal treatment for the latter in the administration of justice, without prejudice to the attainment of the foregoing objectives and subject to the provisions of Article 80.

Article 77

1. The trusteeship system shall apply to such territories in the following categories as may be placed thereunder by means of trusteeship agreements:

- a. territories now held under mandate;
- b. territories which may be detached from enemy states as a result of the Second World War; and
- c. territories voluntarily placed under the system by states responsible for their administration.

2. It will be a matter for subsequent agreement as to which territories in the foregoing categories will be brought under the trusteeship system and upon what terms.

Article 78

The trusteeship system shall not apply to territories which have become Members of the United Nations, relationship among which shall be based on respect for the principle of sovereign equality.

Article 79

The terms of trusteeship for each territory to be placed under the trusteeship system, including any alteration or amendment, shall be agreed upon by the states directly concerned, including the mandatory power in the case of territories held under mandate by a Member of the United Nations, and shall be approved as provided for in Articles 83 and 85.

Article 80

1. Except as may be agreed upon in individual trusteeship agreements, made under Articles 77, 79, and 81, placing each territory under the trusteeship system, and until such agreements have been concluded, nothing in this Chapter shall be construed in or of itself to alter in any manner the rights whatsoever of any states or any peoples or the terms of existing international instruments to which Members of the United Nations may respectively be parties.

2. Paragraph 1 of this Article shall not be interpreted as giving grounds for delay or postponement of the negotiation and conclusion of agreements for placing mandated and other territories under the trusteeship system as provided for in Article 77.

Article 81

The trusteeship agreement shall in each case include the terms under which the trust territory will be administered and designate the authority which will exercise the administration of the trust territory. Such authority, hereinafter called the administering authority, may be one or more states or the Organization itself.

Article 82

There may be designated, in any trusteeship agreement, a strategic area or areas which may include part or all of the trust territory to which the agreement applies, without prejudice to any special agreement or agreements made under Article 43.

Article 83

1. All functions of the United Nations relating to strategic areas, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the Security Council.

2. The basic objectives set forth in Article 76 shall be applicable to the people of each strategic area.

3. The Security Council shall, subject to the provisions of the trusteeship agreements and without prejudice to security considerations, avail itself of the assistance of the Trusteeship Council to perform those functions of the United Nations under the trusteeship system relating to political, economic, social, and educational matters in the strategic areas.

Article 84

It shall be the duty of the administering authority to ensure that the trust territory shall play its part in the maintenance of international peace and security. To this end the administering authority may make use of volunteer forces, facilities, and assistance from the trust territory in carrying out the obligations towards the Security Council undertaken in this regard by the administering authority, as well as for local defense and the maintenance of law and order within the trust territory.

Article 85

1. The functions of the United Nations with regard to trusteeship agreements for all areas not designated as strategic, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the General Assembly.

2. The Trusteeship Council, operating under the authority of the General Assembly, shall assist the General Assembly in carrying out these functions.

CHAPTER XIII. The Trusteeship Council

COMPOSITION

Article 86

1. The Trusteeship Council shall consist of the following Members of the United Nations:

- a. those Members administering trust territories;
- b. such of those Members mentioned by name in Article 23 as are not administering trust territories; and
- c. as many other Members elected for three-year terms by the General Assembly as may be necessary to ensure that the total number of members of the Trusteeship Council is equally divided between those Members of the United Nations which administer trust territories and those which do not.

2. Each member of the Trusteeship Council shall designate one specially qualified person to represent it therein.

FUNCTIONS AND POWERS

Article 87

The General Assembly and, under its authority, the Trusteeship Council, in carrying out their functions, may:

- a. consider reports submitted by the administering authority;
- b. accept petitions and examine them in consultation with the administering authority;
- c. provide for periodic visits to the respective trust territories at times agreed upon with the administering authority; and
- d. take these and other actions in conformity with the terms of the trusteeship agreements.

Article 88

The Trusteeship Council shall formulate a questionnaire on the political, economic, social, and educational advancement of the inhabitants of each trust territory, and the administering authority for each trust territory within the competence of the General Assembly shall make an annual report to the General Assembly upon the basis of such questionnaire.

VOTING

Article 89

- 1. Each member of the Trusteeship Council shall have one vote.
- 2. Decisions of the Trusteeship Council shall be made by a majority of the members present and voting.

PROCEDURE

Article 90

1. The Trusteeship Council shall adopt its own rules of procedure, including the method of selecting its President.
2. The Trusteeship Council shall meet as required in accordance with its rules, which shall include provision for the convening of meetings on the request of a majority of its members.

Article 91

The Trusteeship Council shall, when appropriate, avail itself of the assistance of the Economic and Social Council and of the specialized agencies in regard to matters with which they are respectively concerned.

CHAPTER XIV. The International Court of Justice

Article 92

The International Court of Justice shall be the principal judicial organ of the United Nations. It shall function in accordance with the annexed Statute, which is based upon the Statute of the Permanent Court of International Justice and forms an integral part of the present Charter.

Article 93

1. All Members of the United Nations are *ipso facto* parties to the Statute of the International Court of Justice.
2. A state which is not a Member of the United Nations may become a party to the Statute of the International Court of Justice on conditions to be determined in each case by the General Assembly upon the recommendation of the Security Council.

Article 94

1. Each Member of the United Nations undertakes to comply with the decision of the International Court of Justice in any case to which it is a party.
2. If any party to a case fails to perform the obligations incumbent upon it under a judgment rendered by the Court, the other party may have recourse to the Security Council, which may, if it deems necessary, make recommendations or decide upon measures to be taken to give effect to the judgment.

Article 95

Nothing in the present Charter shall prevent Members of the United Nations from entrusting the solution of their differences to other tri-

tribunals by virtue of agreements already in existence or which may be concluded in the future.

Article 96

1. The General Assembly or the Security Council may request the International Court of Justice to give an advisory opinion on any legal question.

2. Other organs of the United Nations and specialized agencies, which may at any time be so authorized by the General Assembly, may also request advisory opinions of the Court on legal questions arising within the scope of their activities.

CHAPTER XV. The Secretariat

Article 97

The Secretariat shall comprise a Secretary-General and such staff as the Organization may require. The Secretary-General shall be appointed by the General Assembly upon the recommendation of the Security Council. He shall be the chief administrative officer of the Organization.

Article 98

The Secretary-General shall act in that capacity in all meetings of the General Assembly, of the Security Council, of the Economic and Social Council, and of the Trusteeship Council, and shall perform such other functions as are entrusted to him by these organs. The Secretary-General shall make an annual report to the General Assembly on the work of the Organization.

Article 99

The Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security.

Article 100

1. In the performance of their duties the Secretary-General and the staff shall not seek or receive instructions from any government or from any other authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization.

2. Each Member of the United Nations undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities.

Article 101

1. The staff shall be appointed by the Secretary-General under regulations established by the General Assembly.

2. Appropriate staffs shall be permanently assigned to the Economic and Social Council, the Trusteeship Council, and, as required, to other organs of the United Nations. These staffs shall form a part of the Secretariat.

3. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

CHAPTER XVI. Miscellaneous Provisions

Article 102

1. Every treaty and every international agreement entered into by any Member of the United Nations after the present Charter comes into force shall as soon as possible be registered with the Secretariat and published by it.

2. No party to any such treaty or international agreement which has not been registered in accordance with the provisions of paragraph 1 of this Article may invoke that treaty or agreement before any organ of the United Nations.

Article 103

In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail.

Article 104

The Organization shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfillment of its purposes.

Article 105

1. The Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfillment of its purposes.

2. Representatives of the Members of the United Nations and officials of the Organization shall similarly enjoy such privileges and

immunities as are necessary for the independent exercise of their functions in connection with the Organization.

3. The General Assembly may make recommendations with a view to determining the details of the application of paragraphs 1 and 2 of this Article or may propose conventions to the Members of the United Nations for this purpose.

CHAPTER XVII. Transitional Security Arrangements

Article 106

Pending the coming into force of such special agreements referred to in Article 43 as in the opinion of the Security Council enable it to begin the exercise of its responsibilities under Article 42, the parties to the Four-Nation Declaration, signed at Moscow, October 30, 1943, and France, shall, in accordance with the provisions of paragraph 5 of that Declaration, consult with one another and as occasion requires with other Members of the United Nations with a view to such joint action on behalf of the Organization as may be necessary for the purpose of maintaining international peace and security.

Article 107

Nothing in the present Charter shall invalidate or preclude action, in relation to any state which during the Second World War has been an enemy of any signatory to the present Charter, taken or authorized as a result of that war by the Governments having responsibility for such action.

CHAPTER XVIII. Amendments

Article 108

Amendments to the present Charter shall come into force for all Members of the United Nations when they have been adopted by a vote of two thirds of the members of the General Assembly and ratified in accordance with their respective constitutional processes by two thirds of the Members of the United Nations, including all the permanent members of the Security Council.

Article 109.

1. A General Conference of the Members of the United Nations for the purpose of reviewing the present Charter may be held at a date and place to be fixed by a two-thirds vote of the members of the General Assembly and by a vote of any seven members of the Security Council. Each Member of the United Nations shall have one vote in the conference.

2. Any alteration of the present Charter recommended by a two-thirds vote of the conference shall take effect when ratified in accordance with their respective constitutional processes by two thirds of the Members of the United Nations including all the permanent members of the Security Council.

3. If such a conference has not been held before the tenth annual session of the General Assembly following the coming into force of the present Charter, the proposal to call such a conference shall be placed on the agenda of that session of the General Assembly, and the conference shall be held if so decided by a majority vote of the members of the General Assembly and by a vote of any seven members of the Security Council.

CHAPTER XIX. Ratification and Signature

Article 110

1. The present Charter shall be ratified by the signatory states in accordance with their respective constitutional processes.

2. The ratifications shall be deposited with the Government of the United States of America, which shall notify all the signatory states of each deposit as well as the Secretary-General of the Organization when he has been appointed.

3. The present Charter shall come into force upon the deposit of ratifications by the Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, and by a majority of the other signatory states. A protocol of the ratifications deposited shall thereupon be drawn up by the Government of the United States of America which shall communicate copies thereof to all the signatory states.

4. The states signatory to the present Charter which ratify it after it has come into force will become original Members of the United Nations on the date of the deposit of their respective ratifications.

Article 111

The present Charter, of which the Chinese, French, Russian, English, and Spanish texts are equally authentic, shall remain deposited in the archives of the Government of the United States of America. Duly certified copies thereof shall be transmitted by that Government to the Governments of the other signatory states.

IN FAITH WHEREOF the representatives of the Governments of the United Nations have signed the present Charter.

DONE at the city of San Francisco the twenty-sixth day of June, one thousand nine hundred and forty-five.

